

No. 12023

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United States  
Court of Appeals  
for the Ninth Circuit

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UNITED STATES OF AMERICA,  
Appellant,  
vs.  
HONOLULU PLANTATION COMPANY,  
Appellee.  
and  
HONOLULU PLANTATION COMPANY,  
Appellant,  
vs.  
UNITED STATES OF AMERICA,  
Appellee.

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Transcript of Record

(In Four Volumes)

VOLUME I

(Pages 1 to 432)

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FILED

DEC 31 1948

PAUL P. O'BRIEN,

CLERK

Appeal from the United States District Court  
for the District of Hawaii

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## INDEX

[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

	PAGE
<b>Answer of Honolulu Plantation Company:</b>	
Civil No. 514 .....	31
Civil No. 521 .....	64
Civil No. 525 .....	83
Civil No. 527 .....	106
Civil No. 536 .....	319
Civil No. 540 .....	350
Civil No. 684 .....	423
 <b>Appeal:</b>	
Bond for Costs on .....	521
Certificate of Clerk to Statement on.....	9
Designation of Record on (DC).....	513
Designation by Cross-Appellant of Record on (DC) .....	518
Notice of .....	508
Notice of Cross .....	509
Orders Extending Time to Docket Record on (DC) .....	510, 511
Orders Extending Time to Docket Record on (USCA) .....	1616, 1617
Order for Transmittal of Original Exhibits on (DC) .....	525
Order re .....	520
Statement of Points on (DC).....	512
Statement of Points on Cross (DC).....	516

## Appeal—(Con'td)

Statement of Points and Designation of Record on (United States-USCA).....	1617
Statement of Points and Designation of Record on (Honolulu Plantation Co.-USCA) .	1618
Stipulation re .....	519
Stipulation and Application for Transmittal of Original Exhibits on (USCA).....	1619
Bond for Costs on Appeal.....	521
Certificate of Clerk to Statement.....	9
Clerk's Statement .....	5
Decision .....	461
Designation of Record on Appeal (DC).....	513
Designation by Cross-Appellant of Additional Portions of Record on Appeal (DC).....	518
Designation by Honolulu Plantation Co. of Record on Appeal, Statement of Points and (USCA) .....	1618
Designation by United States of America of Record on Appeal, Statement of Points and (USCA) .....	1617
Declaration of Taking:	
Civil No. 514 .....	23
Civil No. 521 .....	51
Civil No. 521—Amended Declaration of Taking .....	66
Civil No. 525 .....	84
Civil No. 527 .....	101
Civil No. 529 .....	173

	PAGE
Declaration of Taking—(Con'td)	
Civil No. 533 .....	210
Civil No. 535 .....	275
Civil No. 536 .....	313
Civil No. 540 .....	338
Civil No. 544 .....	364
Civil No. 548 .....	383
Civil No. 684 .....	409
Judgment (Feb. 17, 1945) .....	437
Judgment (Nov. 5, 1947) .....	504
Minutes of Court:	
Nov. 14, 1946—Motion for Consolidation	
Granted .....	458
Nov. 26, 1946—Motion for Bill of Particular	
Denied .....	459
Motion for Bill of Particulars .....	456
Motion for Consolidation:	
Feb. 17, 1945 .....	427
Oct. 9, 1946 .....	442
Motion for Order Amending Petition in Con-	
demnation:	
Civil No. 529 .....	181
Civil No. 533 .....	218
Civil No. 535 .....	282
Civil No. 536 .....	310, 315
Civil No. 540 .....	345
Civil No. 548 .....	387
Motion for Order Amending Petition and Or-	
der and Judgment on Declaration of Taking	
(Civil No. 684) .....	419

Appeal—(Con'td)

Statement of Points and Designation of Record on (United States-USCA).....	1617
Statement of Points and Designation of Record on (Honolulu Plantation Co.-USCA) .	1618
Stipulation re .....	519
Stipulation and Application for Transmittal of Original Exhibits on (USCA).....	1619
Bond for Costs on Appeal.....	521
Certificate of Clerk to Statement.....	9
Clerk's Statement .....	5
Decision .....	461
Designation of Record on Appeal (DC).....	513
Designation by Cross-Appellant of Additional Portions of Record on Appeal (DC).....	518
Designation by Honolulu Plantation Co. of Record on Appeal, Statement of Points and (USCA) .....	1618
Designation by United States of America of Record on Appeal, Statement of Points and (USCA) .....	1617
Declaration of Taking:	
Civil No. 514 .....	23
Civil No. 521 .....	51
Civil No. 521—Amended Declaration of Taking .....	66
Civil No. 525 .....	84
Civil No. 527 .....	101
Civil No. 529 .....	173

## Declaration of Taking—(Con'td)

Civil No. 533 .....	210
Civil No. 535 .....	275
Civil No. 536 .....	313
Civil No. 540 .....	338
Civil No. 544 .....	364
Civil No. 548 .....	383
Civil No. 684 .....	409

Judgment (Feb. 17, 1945) .....	437
--------------------------------	-----

Judgment (Nov. 5, 1947) .....	504
-------------------------------	-----

## Minutes of Court:

## Nov. 14, 1946—Motion for Consolidation

Granted .....	458
---------------	-----

## Nov. 26, 1946—Motion for Bill of Particular

Denied .....	459
--------------	-----

Motion for Bill of Particulars .....	456
--------------------------------------	-----

## Motion for Consolidation:

Feb. 17, 1945 .....	427
---------------------	-----

Oct. 9, 1946 .....	442
--------------------	-----

## Motion for Order Amending Petition in Condemnation:

Civil No. 529 .....	181
---------------------	-----

Civil No. 533 .....	218
---------------------	-----

Civil No. 535 .....	282
---------------------	-----

Civil No. 536 .....	310, 315
---------------------	----------

Civil No. 540 .....	345
---------------------	-----

Civil No. 548 .....	387
---------------------	-----

Motion for Order Amending Petition and Order and Judgment on Declaration of Taking (Civil No. 684) .....	419
--	-----

	PAGE
Names and Addresses of Attorneys.....	1
Notice of Appeal .....	508
Notice of Cross-Appeal .....	509
Order Amending Petition in Condemnation:	
Civil No. 529 .....	188
Civil No. 533 .....	220
Civil No. 535 .....	288
Civil No. 536 .....	311, 316
Civil No. 540 .....	346
Civil No. 548 .....	390
Civil No. 684 .....	421
Order Amending Petition and Order and Judgment on Declaration of Taking (Civil No. 684) .....	421
Order and Judgment on Declaration of Taking:	
Civil No. 514 .....	29
Civil No. 521 .....	61
Civil No. 521—On Amended Declaration of Taking .....	68
Civil No. 525 .....	87
Civil No. 527 .....	104
Civil No. 529 .....	190
Civil No. 533 .....	222
Civil No. 535 .....	294
Civil No. 536 .....	317
Civil No. 540 .....	348
Civil No. 544 .....	368
Civil No. 548 .....	394
Civil No. 684 .....	414



Orders Extending Time to Docket Record on Appeal (DC) .....	510, 511
Orders Extending Time to Docket Record on Appeal (USCA) .....	1616, 1617
Orders for Consolidation:	
Feb. 17, 1945 .....	433
Nov. 22, 1946 .....	459
Order for Transmittal of Original Exhibits (DC) .....	525
Order Re Appeal .....	520
Petition for Condemnation:	
Civil No. 514 .....	10
Civil No. 521 .....	36
Civil No. 525 .....	70
Civil No. 527 .....	90
Civil No. 529 .....	110
Civil No. 529—Order Amending .....	188
Civil No. 532 .....	195
Civil No. 533 .....	200
Civil No. 533—Order Amending .....	220
Civil No. 535 .....	225
Civil No. 535—Order Amending .....	288
Civil No. 536 .....	297
Civil No. 536—Order Amending .....	311, 316
Civil No. 540 .....	323
Civil No. 540—Order Amending .....	346
Civil No. 544 .....	354
Civil No. 548 .....	371
Civil No. 548—Order Amending .....	390
Civil No. 684 .....	397

	PAGE
Satisfaction of Judgment .....	440
Statement of Points on Appeal (DC).....	512
Statement of Points on Cross-Appeal (DC)..	516
Statement of Points and Designation of Record on Appeal (USCA):	
Honolulu Plantation Company .....	1618
United States of America .....	1617
Stipulation and Application for Order re Orig- inal Exhibits on Appeal (USCA).....	1619
Stipulation for Consolidation, Feb. 17, 1945...	431
Stipulation for Judgment .....	434
Stipulation re Appeal .....	519
Transcript of Testimony and Proceedings....	526
Exhibits for Honolulu Plantation Co.:	
4-A—Power of Attorney, Honolulu Planta- tion Co. to P. E. Spalding, L. D. Larsen, W. Jamieson and H. T. Kay, Sept. 26, 1941 .....	1287
4-B—Power of Attorney, Nov. 28, 1944, Honolulu Plantation Co. to P. E. Spald- ing, S. L. Austin and/or H. T. Kay....	1293
6—Summary of Areas taken by the United States from Honolulu Plantation Co...	1300
7—Honolulu Plantation Co., Statement of Lands, Dec. 31, 1944 .....	1304



## Exhibits for Honolulu Plantation Co.—(Cont'd)

9A—Letter dated Aug. 18, 1941, E. Benner, Jr., to C. Brewer & Co., and Lease dated Oct. 20, 1909, L. L. McCandless to Honolulu Plantation Co. ....	1305
9B—Agreement dated Nov. 6, 1939, Honolulu Plantation Co. with L. L. McCandless .....	1315
Exchange Lease dated Oct. 20, 1909, Honolulu Plantation Co. with L. L. McCandless .....	1320
9C—Lease dated Dec. 28, 1929, L. L. McCandless to Honolulu Plantation Co....	1329
9D—Lease dated Nov. 5, 1936, Francis H. I. Brown to Honolulu Plantation Co....	1335
Extension of Lease, September, 1941...	1339
9E—Lease, Noa W. Aluli to Honolulu Plantation Co., May 28, 1935.....	1340
Extension of Lease, August, 1939.....	1343
Extension of Lease, May, 1942.....	1344
9F—Sub-Lease, Oahu Sugar Co., Ltd., to Honolulu Plantation Co. dated Jan. 17, 1941 .....	1345
9G—Amendment of Lease, Estate of Bernice P. Bishop, by Trustees, with Honolulu Plantation Co., Dec. 2, 1943.....	1382
Lease No. 6600, dated July 1, 1940, Trustees Estate of Bernice P. Bishop, deceased, to Honolulu Plantation Co....	1385

Exhibits for Honolulu Plantation Co.—(Cont'd)	
9H—Lease dated Dec. 15, 1941, Edith Austin, et als., to Honolulu Plantation Co...	1354
9I—Lease dated July 24, 1936, Oahu Railway and Land Co. to Honolulu Plantation Co. ....	1449
9J—Lease dated March 12, 1937, Bruce Cartwright, Trustee, to Honolulu Plantation Co. ....	1479
9K—Lease dated June 27, 1927, Estate of S. M. Damon, by Trustees, to Honolulu Plantation Co. ....	1513
10—Main Hickam Field Taking.....	1534
Admitted in Evidence .....	635
11—Prior Consolidated Takings .....	1535
Admitted in Evidence .....	638
12—Summary from Exhibit 6 (Present Takings) .....	1537
Admitted in Evidence .....	639
14—Real Property Inventory Schedule, Jan. 1, 1945, City and County of Honolulu...	1538
Admitted in Evidence .....	847
15—Re: Sugar Cane Acreage, Territory and Oahu .....	1539
Admitted in Evidence .....	850
16—Honolulu Plantation Co., Sugar Cane Acreage .....	1540
Admitted in Evidence .....	852

## Exhibits for Honolulu Plantation Co.—(Cont'd)

18—Letter dated Aug. 21, 1941, C. Brewer & Co. to Trustees under Will of Samuel Mills Damon, Deceased .....	1541
Admitted in Evidence .....	1168
19—Report, No. 1313, Mr. Keogh of Committee on Claims .....	1542
Admitted in Evidence .....	1282

## Exhibits for United States:

A—Letter, Nov. 29, 1940, C. Brewer & Co. to Trustees under Will of Samuel Mills Damon, Deceased .....	1567
Admitted in Evidence .....	1257
B—Copy of Lease by and between Trustees of Estate of Samuel M. Damon, Deceased, with Honolulu Plantation Co... ..	1568
Admitted in Evidence .....	1257
C—Letter, May 5, 1941, C. Brewer & Co. to Trustees under the Will of Samuel Mills Damon, Deceased .....	1578
Admitted in Evidence .....	1257
D—Letter, May 12, 1941, addressed to C. Brewer & Co., Ltd., signed JW, Bishop Trust Co., Ltd. ....	1580
Admitted in Evidence .....	1258
E—Letter, Aug. 15, 1941, Trustees, Estate S. M. Damon to C. Brewer & Co., Ltd.....	1581
Admitted in Evidence .....	1259

## Exhibits for United States—(Cont'd)

F—Copy of Letter, Dec. 16, 1941, Honolulu Plantation Co. to S. M. Damon Estate..	1584
Admitted in Evidence .....	1260
G—Letter, Nov. 11, 1943, C. Brewer & Co. to Public Works Officer, Commandant, Navy No. 128 .....	1586
Admitted in Evidence .....	1261
H—Letter, Sept. 16, 1943, C. Brewer & Co. to Commandant 14th Naval District...	1588
Admitted in Evidence .....	1261
I—Letter, Jan. 3, 1943, Honolulu Plantation Co. to Vice-Admiral Robert Lee Ghorm- ley, U.S.N. ....	1590
Admitted in Evidence .....	1262
J—Letter, Jan. 12, 1944, Vice-Admiral Rob- ert Lee Ghormley to C. Brewer & Co....	1603
Admitted in Evidence .....	1262
K—Letter, Nov. 29, 1946, Oahu Sugar Co. to Honolulu Plantation Co. ....	1605
Admitted in Evidence .....	1263
L—Letter, Dec. 3, 1946, Oahu Sugar Co. to Honolulu Plantation Co. ....	1608
Admitted in Evidence .....	1263
M—Letter, Dec. 6, 1946, Oahu Sugar Co. to Honolulu Plantation Co. ....	1609
Admitted in Evidence .....	1263
N-1—Letter, Jan. 1, 1947, Honolulu Planta- tion Co. to Oahu Sugar Co.....	1610
Admitted in Evidence .....	1264

## Exhibits for United States—(Cont'd)

N-2—Resolution Authorizing Sale of Prop-	
erties .....	1613
Admitted in Evidence .....	1264

## Witnesses for Defendants:

## Austin, Stafford L.

—direct .....	526, 555
—cross .....	586
—redirect .....	634
—recross .....	647
—re-redirect .....	662

## Crozier, Charles Campbell

—direct .....	835
—cross .....	878, 927

## Schmutz, George L.

—direct .....	669
—cross .....	692, 709
—redirect .....	784
—recross .....	810

## Spalding, Philip Edmund

—direct .....	1040, 1043
—cross .....	1086, 1107, 1158
—redirect .....	1165, 1202
—recross .....	1183, 1206

## Witness for Petitioner:

## Child, Jr., John Francis

—direct .....	1214
—cross .....	1242



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PRATT, TAVARES & CASSIDY,

Alexander & Baldwin Building,  
Honolulu, Hawaii. [1\*]

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\* Page numbering appearing at foot of page of original  
certified Transcript of Record.



In the United States District Court for the  
District of Hawaii

Civil No. 514

UNITED STATES OF AMERICA,

Petitioner,

vs.

257.654 ACRES OF LAND, more or less, at Moana-  
lua and Halawa Oahu, Territory of Hawaii;  
et al.,

Defendants.

Civil No. 521

UNITED STATES OF AMERICA,

Petitioner,

vs.

49.058 ACRES OF LAND more or less, McGrew  
Point, Kalauao, Ewa, Oahu, Hawaii; et al.,  
Defendants.

Civil No. 525

UNITED STATES OF AMERICA,

Petitioner,

vs.

216.124 ACRES OF LAND, more or less, in Moana-  
lua, Honolulu, Oahu, Territory of Hawaii; et al.,  
Defendants.

Civil No. 527

UNITED STATES OF AMERICA,

Petitioner,

vs.

93.355 ACRES OF LAND, more or less, in Moana-  
lua, Honolulu, Oahu, Hawaii; et al.,  
Defendants. [2]



Civil No. 529

UNITED STATES OF AMERICA,

Petitioner,

vs.

344.893 ACRES OF LAND, more or less, at Manana  
and Waiwa, Ewa, Oahu, Territory of Hawaii;  
et al.,

Defendants.

Civil No. 532

UNITED STATES OF AMERICA,

Petitioner,

vs.

8.279 ACRES OF LAND, more or less, at Halawa,  
Oahu, Territory of Hawaii; et al.,

Defendants.

Civil No. 533

UNITED STATES OF AMERICA,

Petitioner,

vs.

218.349 ACRES OF LAND, more or less, at  
Waiawa Gulch, Waiawa, Oahu, Territory of  
Hawaii; et al.,

Defendants.

Civil No. 535

UNITED STATES OF AMERICA,

Petitioner,

vs.

145.848 ACRES OF LAND, more or less, situate  
at Halawa and Aiea, Ewa, Oahu, Territory of  
Hawaii; et al.,

Defendants.

Civil No. 536

UNITED STATES OF AMERICA,

Petitioner,

vs.

26.22 ACRES OF LAND, more or less, situate at  
Waiawa, Waimalu, Ewa, Oahu, Territory of  
Hawaii; et al.,

Defendants. [3]

Civil No. 540

UNITED STATES OF AMERICA,

Petitioner,

vs.

124.914 ACRES OF LAND, more or less, situate  
in Haiku Valley, Heeia, Koolaupoko, Oahu, Ter-  
ritory of Hawaii; et al.,

Defendants.

Civil No. 544

UNITED STATES OF AMERICA,

Petitioner,

vs.

317.705 ACRES OF LAND, more or less, situate  
at Moanalua, Honolulu, Oahu, Territory of  
Hawaii; et al.,

Defendants.

Civil No. 548

UNITED STATES OF AMERICA,

Petitioner,

vs.

63.725 ACRES OF LAND, more or less, situate at  
Moanalua, Honolulu, Oahu, Territory of Ha-  
wail; et al.,

Defendants.

Civil No. 684

UNITED STATES OF AMERICA,

Petitioner,

vs.

29.891 ACRES OF LAND, more or less, in Moanalua and Halawa, Ewa, Oahu, Territory of Hawaii; et al.,

Defendants.

### CLERK'S STATEMENT

Time of Commencing Trial: December 2, 1946.  
As consolidated. [4]

Names of Original Parties at Trial: United States of America, Petitioner; Honolulu Plantation Company, Limited, Defendant.

#### Dates of Filing Pleadings:

Civil No. 514: June 21, 1944, Petition for Condemnation; February 10, 1945, Declaration of Taking, Order and Judgment on Declaration of Taking; February 17, 1945, Answer of Honolulu Plantation Company.

Civil No. 521: July 17, 1944, Petition for Condemnation, Declaration of Taking, Order and Judgment on Declaration of Taking; August 7, 1944, Answer of Honolulu Plantation Company; October 30, 1945, Amended Declaration of Taking, Order and Judgment on Amended Declaration of Taking.

Civil No. 525: August 10, 1944, Petition for Condemnation; November 2, 1944, Answer of Honolulu Plantation Company; February 10, 1945, Declaration of Taking, Order and Judgment on Declaration of Taking.

Civil No. 527: August 28, 1944, Petition for Condemnation; March 9, 1945, Declaration of Taking, Order and Judgment on Declaration of Taking; June 18, 1946, Answer of Honolulu Plantation Company. [5]

Civil No. 529: September 7, 1944, Petition for Condemnation; September 17, 1945, Declaration of Taking, Motion for Order Amending Petition in Condemnation, Order Amending Petition in Condemnation, Order and Judgment on Declaration of Taking.

Civil No. 532: September 16, 1944, Petition for Condemnation.

Civil No. 533: September 21, 1944, Petition for Condemnation; August 13, 1945, Declaration of Taking, Motion for Order Amending Petition, Order Amending Petition, Order and Judgment on Declaration of Taking.

Civil No. 535: October 11, 1944, Petition for Condemnation; August 27, 1945, Declaration of Taking, Motion for Order Amending Petition in Condemnation, Order Amending Petition in Condemnation, Order and Judgment on Declaration of Taking.

Civil No. 536: October 20, 1944, Petition for Condemnation; February 27, 1945, Motion for Order Amending Petition in Condemnation; February 28, 1945, Order Amending Petition in Condemnation; August 20, 1945, Declaration of Taking, Motion for Order Amending Petition in Condemnation, Order Amending Petition in Condemnation, Order and

Judgment on Declaration of Taking; [6] June 18, 1946, Answer of Honolulu Plantation Company.

Civil No. 540: October 30, 1944, Petition for Condemnation; October 5, 1945, Declaration of Taking, Motion for Order Amending Petition in Condemnation, Order Amending Petition in Condemnation, Order and Judgment on Declaration of Taking; June 18, 1946, Answer of Honolulu Plantation Company.

Civil No. 544: November 28, 1944, Petition for Condemnation; January 29, 1945, Declaration of Taking, Order and Judgment on Declaration of Taking.

Civil No. 548: January 18, 1945, Petition for Condemnation; November 1, 1945, Declaration of Taking, Motion for Order Amending Petition in Condemnation, Order Amending Petition in Condemnation, Order and Judgment on Declaration of Taking.

Civil No. 684: December 6, 1945, Petition for Condemnation, Declaration of Taking, Order and Judgment on Declaration of Taking; April 22, 1946, Motion for Order Amending Petition and Order and Judgment on Declaration of Taking; [7] April 22, 1946, Order Amending Petition and Order and Judgment on Declaration of Taking; June 18, 1946, Answer of Honolulu Plantation Company.

Civil Nos. 514, 525, 529, 533, 535, 544, and 548: February 17, 1945, Motion for Consolidation, Affidavit of Consolidation, Stipulation for Consolidation, Order for Consolidation, Stipulation, Judgment



ment; February 19, 1945, Satisfaction of Judgment.

Civil Nos. 514, 521, 525, 527, 529, 532, 533, 535, 536, 540, 544, 548, and 684: October 9, 1946, Motion for Consolidation; November 6, 1946, Motion for Bill of Particulars; November 22, 1946, Order for Consolidation; August 22, 1947, Decision; November 5, 1947, Judgment.

Times When Proceedings Were Had: As Consolidated—November 14, 1946, Motion for consolidation granted; November 26, 1946, Motion for bill of particulars denied; December 2, 3, 5, 6, 9, 10, 11, 12, 19, 20, 1946, January 6, 8, 9, 10, 14, and 15, 1947, Trial.

Proceedings in the above entitled matter were had before the Honorable J. Frank McLaughlin, District Judge, District of Hawaii. [8]

Dates of Filing Appeal Documents: February 3, 1948, Notice of Appeal, Notice of Cross-Appeal to Circuit Court of Appeals from Part of Judgment: February 26, 1948, Order Extending Time to Docket Record on Appeal (U.S.); March 4, 1948, Order Extending Time to Docket Record on Appeal (Hono. Plan.); March 5, 1948, Statement of Points on Appeal, Designation of Record on Appeal; March 15, 1948, Statement of Points on Cross-Appeal, Designation by Cross-Appellant of Additional Portions of Record on Appeal; March 19, 1948, Stipulation (re appeal), Order (re appeal), Bond for Costs on Appeal; July 7, 1948, Order for Transmittal of Original Exhibits.

CERTIFICATE OF CLERK TO THE ABOVE  
STATEMENT

United States of America,  
District of Hawaii—ss:

I, Wm. F. Thompson, Jr., Clerk of the United States District Court for the District of Hawaii, do hereby certify the foregoing to be a full, true and correct statement showing the time of commencement of the trial of the above-entitled causes, the names of the original parties at trial, the dates when the respective pleadings were filed, the times when proceedings were had as consolidated, the name of the judge [9] presiding, and the dates when appeal pleadings were filed in the above-entitled causes.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said District Court, this 4th day of August, 1948.

(Seal)           /s/ WM. F. THOMPSON, JR.,  
Clerk, United States District Court, District of  
Hawaii. [10]

In the District Court of the United States for the  
District of Hawaii

April Term, 1944

Civil No. 514

UNITED STATES OF AMERICA,

Petitioner,

vs.

257.654 ACRES OF LAND, more or less, at Moanalua and Halawa, Oahu, Territory of Hawaii; Charles Maner Hite, Trustee under the Will and of the Estate of Emma Kaleleonalani, deceased; John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear, John Edward Russell, Trustees under the Will and of the Estate of Samuel M. Damon, deceased; Honolulu Plantation Company; The Hawaiian Electric Company, Limited, a Hawaiian corporation; Samuel Renny Damon; City and County of Honolulu and Territory of Hawaii,

Defendants.

### PETITION FOR CONDEMNATION

To the Honorable, the Presiding Judges of the  
United States District Court for the District of  
Hawaii:

Now comes the United States of America, by Charles F. Rathbun, Special Assistant to the Attorney General, acting under the instructions of the Attorney General of the United States and at the request of the Secretary of Navy of the United States, and respectfully represents to the Court:



## I.

That this proceeding is instituted under the authority of divers and sundry Acts of Congress, among them the following:

The Act of Congress approved March 27, 1942 (Public Law 507—77th Congress)

The Act of Congress approved April 28, 1942 (Public Law 528—77th Congress)

and that the Secretary of Navy, acting under authority vested in him by law and pursuant to law, has determined that it is necessary to acquire for the United States of America by condemnation, under judicial process, certain land more particularly described in Exhibits "A" and "B", hereto annexed and made a part hereof as though set forth at length. [12]

## II.

That the land sought to be condemned is located at Moanalua and Halawa, Oahu, Territory of Hawaii, and lies wholly within the jurisdiction of the United States District Court for the Territory of Hawaii, together with all improvements thereon and appurtenances thereunto belonging, as described in said Exhibits "A" and "B".

## III.

That attached hereto and made parts hereof are maps or plats marked Exhibits "C" and "D", delineating said property.

## IV.

That the interest sought to be condemned is the full fee simple title to said land and all improve-

ments thereon and appurtenances thereunto belonging, subject to public utility, pipe line and irrigation and drainage easements, if any.

V.

That the said land and improvements thereon and appurtenances thereunto belonging are to be acquired under the authority of and for the purposes set forth in the various Acts of Congress hereinabove mentioned, and particularly for use in connection with Officers' Housing Area and for Enlisted Men's Housing Area.

VI.

That Charles Maner Hite, Trustee under the Will and of the Estate of Emma Kaleleonalani, deceased; John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear, John Edward Russell, Trustees under the Will and of the Estate of Samuel M. Damon, deceased; Honolulu Plantation Company; The Hawaiian Electric Company, Limited, a Hawaiian corporation; Samuel Renny Damon; City and County of Honolulu and Territory of Hawaii are the owners of or claim to have some interest in said land.

Petitioner herein by naming any person, company or corporation as a defendant herein does not concede that said person, company or corporation has any right, title, estate or interest in or to the land described, nor does the petitioner concede the title, claim or interest of any of said persons, companies or corporations against any other person, company or corporation, but prays the determination [13] of the interest, title, estate, lien, claim or

charge of any and all such persons, companies or corporations, including that of the petitioner, by the Court according to law.

That the Secretary of Navy of the United States has determined that the utmost haste in expediting this project is vital to the War purposes of the United States and he has therefore determined that immediate possession of said land and all improvements thereon and appurtenances thereunto belonging, to the extent of the interest to be acquired therein, is necessary by the United States and that certain and adequate provisions have been made for the payment of just compensation which may be adjudged due for the condemnation of the land described in said Exhibits "A", "B", "C" and "D".

Wherefore, your petitioner prays this Honorable Court to take jurisdiction of this cause and to make and enter all orders, judgments and decrees necessary to determine title of said real estate condemned, or any part thereof; and to fix and determine the just compensation due for the condemnation of the aforesaid lands; that the Court adjudge and determine that the immediate possession of said lands be taken to the extent of the interest being acquired herein for the War and Naval purposes of the United States; that upon payment into the registry of this Court for the United States for the use of the persons entitled thereto of the sum adjudged to be full compensation for the said condemnation of said land, that title to said land be vested in the United States of America in fee simple; and that the Court make

distribution of the final awards among the persons entitled thereto as expeditiously as may be and for such other and further relief as to the Court may seem just and proper in the premises.

UNITED STATES OF  
AMERICA,

By /s/ CHARLES F. RATHBUN,  
Special Assistant to the Attorney  
General.

(Duly Verified.) [14]

EXHIBIT "A"

Being portions of Lots E, F, J, W and G of Land Court Application 1074; a portion of Lot 1-A of Land Court Application 966 at Moanalua, Honolulu and Halawa, Ewa, Island of Oahu, T. H.

Beginning at a point on the Westerly boundary between the Lands of Moanalua (Land Court Application 1074) and Halawa (Land Court Application 966) and the co-ordinates of said point of beginning referred to Government Survey Triangulation Station "Salt Lake" being 4299.39 feet South and 8022.07 feet West, and thence running by azimuths measured clockwise from True South:

1. 165° 23'—70.80 feet along the remainder of Lot 1-A of Land Court Application 966;
2. 128° 23'—41.45 feet along the remainder of Lot 1-A of Land Court Application 966;

3.  $192^{\circ} 58' 30''$ —63.81 feet along the remainder of Lot 1-A of Land Court Application 966;
4.  $202^{\circ} 50'$ —58.50 feet along the remainder of Lot 1-A of Land Court Application 966;
5.  $211^{\circ} 49'$ —155.60 feet along the remainder of Lot 1-A of Land Court Application 966;
6.  $198^{\circ} 13' 30''$ —170.52 feet along the remainder of Lot 1-A of Land Court Application 966;
7.  $206^{\circ} 59' 30''$ —71.70 feet along the remainder of Lot 1-A of Land Court Application 966;
8.  $225^{\circ} 37'$ —136.35 feet along the remainder of Lot 1-A of Land Court Application 966;
9.  $240^{\circ} 49'$ —152.07 feet along the remainder of Lot 1-A of Land Court Application 966;
10.  $244^{\circ} 05' 30''$ —130.00 feet along the remainder of Lot 1-A of Land Court Application 966;
11.  $256^{\circ} 15'$ —123.90 feet along the remainder of Lot 1-A of Land Court Application 966;
12.  $248^{\circ} 48'$ —67.78 feet along the remainder of Lot 1-A of Land Court Application 966; [16]
13.  $240^{\circ} 16'$ —85.10 feet along the remainder of Lot 1-A of Land Court Application 966;
14.  $236^{\circ} 49'$ —207.40 feet along the remainder of Lot 1-A of Land Court Application 966;
15.  $249^{\circ} 49'$ —99.80 feet along the remainder of Lot 1-A of Land Court Application 966;
16.  $240^{\circ} 52'$ —45.50 feet along the remainder of Lot 1-A of Land Court Application 966;
17.  $228^{\circ} 08'$ —406.50 feet along the remainder of Lot 1-A of Land Court Application 966;
18.  $223^{\circ} 06'$ —58.23 feet along the remainder of Lot 1-A of Land Court Application 966;



19.  $215^{\circ} 31'$ —96.00 feet along the remainder of Lot 1-A of Land Court Application 966;
20.  $208^{\circ} 55'$ —189.08 feet along the remainder of Lot 1-A of Land Court Application 966;
21.  $202^{\circ} 32' 30''$ —94.55 feet along the remainder of Lot 1-A of Land Court Application 966;
22.  $190^{\circ} 33' 30''$ —79.25 feet along the remainder of Lot 1-A of Land Court Application 966;
23.  $188^{\circ} 27'$ —158.11 feet along the remainder of Lot 1-A of Land Court Application 966;
24.  $244^{\circ} 26' 30''$ —54.63 feet along the remainder of Lot 1-A of Land Court Application 966;
25.  $345^{\circ} 54' 50''$ —1998.64 feet along the Southwest side of Alternate Highway from Honolulu to Schofield (100 feet wide); being remainders of Lot 1-A of Land Court Application 966; and Lots J and F of Land Court Application 1074 and passing over the boundary between Halawa and Moanalua at 314.33 feet;
26. Thence along the Southwest side of Alternate Highway from Honolulu to Schofield (100 feet wide); being the remainder of Lot J of Land Court Application 1074, on a curve to the left with a radius of 1960.08 feet, the direct azimuth and distance being  $336^{\circ} 54' 50''$  613.25 feet;
27.  $327^{\circ} 54' 50''$ —550.90 feet along the Southwest side of Alternate Highway from Honolulu to Schofield (100 feet wide); being the remainders of Lots J and E of Land Court Application 1074; [17]
28. Thence along the Southwest side of Alternate Highway from Honolulu to Schofield (100 feet

wide); being the remainders of Lots E and J of Land Court Application 1074, on a curve to the left with a radius of 1196.28 feet, the direct azimuth and distance being  $313^{\circ} 00' 50''$ . 615.20 feet;

29.  $298^{\circ} 06' 50''$ —2628.83 feet along the Southwest side of Alternate Highway from Honolulu to Schofield (100 feet wide); being the remainder of Lot J of Land Court Application 1074;
30.  $48^{\circ} 56'$ —75.00 feet along the remainder of Lot J of Land Court Application 1074;
31.  $33^{\circ} 00'$ —170.45 feet along the remainder of Lot J of Land Court Application 1074;
32.  $11^{\circ} 46'$ —207.86 feet along the remainder of Lot J of Land Court Application 1074;
33.  $352^{\circ} 31'$ —229.25 feet along the remainder of Lot J of Land Court Application 1074;
34.  $341^{\circ} 59'$ —87.63 feet along the remainder of Lot J of Land Court Application 1074;
35.  $11^{\circ} 22'$ —113.72 feet along the remainder of Lot J of Land Court Application 1074;
36.  $31^{\circ} 41'$ —99.20 feet along the remainder of Lot J of Land Court Application 1074;
37.  $14^{\circ} 20'$ —104.92 feet along the remainder of Lot J of Land Court Application 1074;
38.  $356^{\circ} 44'$ —98.27 feet along the remainder of Lot J of Land Court Application 1074;
39.  $333^{\circ} 32'$ —111.35 feet along the remainder of Lot J of Land Court Application 1074;
40.  $80^{\circ} 55' 30''$ —325.02 feet along the remainders of Lot J and G of Land Court Application 1074;

41.  $133^{\circ} 15'$ —435.82 feet along the remainders of Lots G and W of Land Court Application 1074;
42.  $146^{\circ} 26' 30''$ —496.50 feet along the remainders of Lots W and E of Land Court Application 1074;
43.  $184^{\circ} 37'$ —129.47 feet along the remainder of Lot E of Land Court Application 1074;
44.  $161^{\circ} 45'$ —147.18 feet along the remainder of Lot E of Land Court Application 1074; [18]
45.  $57^{\circ} 25' 30''$ —432.28 feet along the remainder of Lot E of Land Court Application 1074;
46.  $115^{\circ} 38'$ —140.00 feet along the remainder of Lot E of Land Court Application 1074;
47.  $181^{\circ} 39' 30''$ —183.00 feet along the remainder of Lot E of Land Court Application 1074;
48.  $141^{\circ} 19'$ —184.71 feet along the remainder of Lot E of Land Court Application 1074;
49.  $49^{\circ} 20' 30''$ —281.42 feet along the remainder of Lot E of Land Court Application 1074;
50.  $97^{\circ} 57'$ —196.66 feet along the remainder of Lot E of Land Court Application 1074;
51.  $166^{\circ} 12'$ —241.81 feet along the remainder of Lot E of Land Court Application 1074;
52.  $182^{\circ} 36'$ —81.96 feet along the remainder of Lot E of Land Court Application 1074;
53.  $113^{\circ} 29'$ —148.57 feet along the remainder of Lot E of Land Court Application 1074;
54.  $32^{\circ} 32' 30''$ —156.57 feet along the remainder of Lot E of Land Court Application 1074;
55.  $100^{\circ} 33'$ —73.67 feet along the remainder of Lot E of Land Court Application 1074;
56.  $159^{\circ} 07'$ —143.45 feet along the remainder of Lot E of Land Court Application 1074;



57.  $52^{\circ} 01' 30''$ —238.58 feet along the remainder of Lot E of Land Court Application 1074;
58.  $64^{\circ} 19' 30''$ —162.60 feet along the remainder of Lot E of Land Court Application 1074;
59.  $133^{\circ} 50'$ —198.56 feet along the remainder of Lot E of Land Court Application 1074;
60.  $87^{\circ} 21' 30''$ —252.62 feet along the remainder of Lot E of Land Court Application 1074;
61.  $116^{\circ} 09'$ —274.03 feet along the remainder of Lot E of Land Court Application 1074;
62.  $89^{\circ} 04'$ —153.58 feet along the remainder of Lot E of Land Court Application 1074;
63.  $109^{\circ} 38' 30''$ —380.00 feet along the remainder of Lot E of Land Court Application 1074; [19]
64.  $123^{\circ} 13' 30''$ —248.58 feet along the remainder of Lot E of Land Court Application 1074;
65.  $108^{\circ} 14' 30''$ —226.57 feet along the remainder of Lot E of Land Court Application 1074;
66.  $147^{\circ} 54'$ —304.63 feet along the remainder of Lot E of Land Court Application 1074;
67.  $168^{\circ} 21' 30''$ —102.09 feet along the remainder of Lot E of Land Court Application 1074;
68.  $156^{\circ} 40'$ —238.42 feet along the remainder of Lot E of Land Court Application 1074;
69.  $140^{\circ} 04' 30''$ —385.00 feet along the remainder of Lot E of Land Court Application 1074;
70.  $159^{\circ} 20' 30''$ —440.75 feet along the remainder of Lot E of Land Court Application 1074;
71.  $173^{\circ} 39' 30''$ —173.96 feet along the remainder of Lot E of Land Court Application 1074;
72.  $162^{\circ} 51' 30''$ —299.22 feet along the remainder of Lot E of Land Court Application 1074;

73.  $133^{\circ} 35'$ —378.66 feet along the remainder of Lot E of Land Court Application 1074;
74.  $179^{\circ} 01' 30''$ —166.20 feet along the remainder of Lot E of Land Court Application 1074 to the point of beginning and containing an area of 244.065 acres.

But, subject to portions of Hawaiian Electric Company's 50-foot easement for transmission line and Easement 5 of Land Court Application 966 (5 feet wide in favor of the U. S. Army) as shown on attached plan.

WRIGHT, HARVEY &  
WRIGHT,

By /s/ FRED E. HARVEY,  
Surveyor.

Honolulu, T. H., March 2, 1944. [20]

EXHIBIT "B"

PARCEL E-1

Being a portion of Lot 1-A of Land Court Application 966 Situated at Halawa, Ewa, Oahu, T. H.

Beginning at the Northeast corner of this piece of land, the co-ordinates of said point of beginning referred to Government Survey Triangulation Station "Salt Lake" being 4165.45 feet South and 8053.97 feet West, and thence running by azimuths measured clockwise from True South:

1.  $14^{\circ} 36'$ —92.78 feet along the remainder of Lot 1-A of Land Court Application 966;

2.  $46^{\circ} 59'$ —1203.07 feet along the remainder of Lot 1-A of Land Court Application 966;
3. Thence still along the remainder of Lot 1-A of Land Court Application 966, on a curve to the right with a radius of 40.0 feet, the direct azimuth and distance being  $107^{\circ} 42' 69.78$  feet;
4.  $168^{\circ} 25'$ —385.48 feet along the East side of Kamehameha Highway;
5.  $218^{\circ} 25'$ —843.69 feet along Lot B-3-A of Land Court Application 966 (U. S. Naval Reservation);
6.  $308^{\circ} 25'$ —50.58 feet along the remainder of Lot 1-A of Land Court Application 966;
7.  $280^{\circ} 44' 30''$ —113.40 feet along the remainder of Lot 1-A of Land Court Application 966;
8.  $284^{\circ} 36'$ —384.00 feet along the remainder of Lot 1-A of Land Court Application 966 to the point of beginning and containing an area of 11.394 acres.

Subject, however, to railroad easements in favor of the Honolulu Plantation Company (15.0 feet wide) and U. S. Army (20.0 feet wide) as shown on attached plan.

WRIGHT, HARVEY &  
WRIGHT,

By /s/ FRED E. HARVEY,  
Surveyor.

Honolulu, T. H., April 7, 1944. [21]

## PARCEL E-2

Being a portion of Lot 1-A of Land Court Application 966 at Halawa, Ewa, Oahu, T. H.

Beginning at a point on the East corner of this parcel of land, on the boundary between the Lands of Moanalua (Land Court Application 1074) and Halawa (Land Court Application 966), the coordinates of said point of beginning referred to Government Survey Triangulation Station "Salt Lake" being 4299.39 feet South and 8022.07 feet West, and thence running by azimuths measured clockwise from True South:

1.  $46^{\circ} 59'$ —1327.46 feet along Lot E of Land Court Application 1074 (Pearl Harbor Naval Hospital);
2.  $168^{\circ} 25'$ —153.36 feet along the East side of Kamehameha Highway;
3. Thence along the remainder of Lot 1-A of Land Court Application 966, on a curve to the left with a radius of 40.0 feet, the direct azimuth and distance being  $287^{\circ} 42'$  69.78 feet;
4.  $226^{\circ} 59'$ —1203.07 feet along the remainder of Lot 1-A of Land Court Application 966;
5.  $194^{\circ} 36'$ —92.78 feet along the remainder of Lot 1-A of Land Court Application 966;
6.  $320^{\circ} 35'$ —31.61 feet along the remainder of Lot 1-A of Land Court Application 966;
7.  $8^{\circ} 23'$ —41.45 feet along the remainder of Lot 1-A of Land Court Application 966;
8.  $345^{\circ} 23'$ —70.80 feet along the remainder of Lot 1-A of Land Court Application 966 to the point

of beginning and containing an area of 2.195 acres.

But, subject to a portion of Easement 5 of Land Court Application 966 in favor of the U. S. Army (5.0 feet wide) as shown on attached plan.

WRIGHT, HARVEY &  
WRIGHT,

By /s/ FRED E. HARVEY,  
Surveyor.

Honolulu, T. H., April 7, 1944.

[Endorsed]: Filed June 21, 1944. [22]

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[Title of District Court and Cause No. 514.]

#### DECLARATION OF TAKING

Whereas, pursuant to the Acts of Congress approved March 27, 1942 (Public Law 507, 77th Congress), and April 28, 1942 (Public Law 528, 77th Congress), the above-styled condemnation proceeding has been instituted.

Now, Therefore, pursuant to the provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421), I, Secretary of the Navy, do hereby make and cause to be filed this declaration of taking, and by virtue of authority thereof do hereby state that the lands selected for acquisition aggregate 257.654 acres, more or less, at Moanalua and Halawa, Oahu, Territory of Hawaii, more particularly described in Exhibit "A" attached hereto and made a part hereof. The lands are delineated on a map entitled "Composite Boundary Map, Portions



## EXHIBIT "A"

## PARCEL E-1

Being a portion of Lot 1-A of Land Court Application 966 Situated at Halawa, Ewa, Oahu, T. H.

Beginning at the Northeast corner of this piece of land, the co-ordinates of said point of beginning referred to Government Survey Triangulation Station "Salt Lake" being 4165.45 feet South and 8053.97 feet West, and thence running by azimuths measured clockwise from True South:

1.  $14^{\circ} 36'$ —92.78 feet along the remainder of Lot 1-A of Land Court Application 966;
2.  $46^{\circ} 59'$ —1203.07 feet along the remainder of Lot 1-A of Land Court Application 966;
3. Thence still along the remainder of Lot 1-A of Land Court Application 966, on a curve to the right with a radius of 40.0 feet, the direct azimuth and distance being  $107^{\circ} 42' 69.78$  feet;
4.  $168^{\circ} 25'$ —385.48 feet along the East side of Kamehameha Highway;
5.  $218^{\circ} 25'$ —843.69 feet along Lot B-3-A of Land Court Application 966 (U. S. Naval Reservation);
6.  $308^{\circ} 25'$ —50.58 feet along the remainder of Lot 1-A of Land Court Application 966;
7.  $280^{\circ} 44' 30''$ —113.40 feet along the remainder of Lot 1-A of Land Court Application 966;
8.  $284^{\circ} 36'$ —384.00 feet along the remainder of Lot 1-A of Land Court Application 966 to the



point of beginning and containing an area of 11.394 acres.

Subject, however, to railroad easements in favor of the Honolulu Plantation Company (15.0 feet wide) and U. S. Army (20.0 feet wide) as shown on attached plan. [29]

### PARCEL E-2

Being a portion of Lot 1-A of Land Court Application 966 at Halawa, Ewa, Oahu, T. H.

Beginning at a point on the East corner of this parcel of land, on the boundary between the Lands of Moanalua (Land Court Application 1074) and Halawa (Land Court Application 966), the co-ordinates of said point of beginning referred to Government Survey Triangulation Station "Salt Lake" being 4299.39 feet South and 8022.07 feet West, and thence running by azimuths measured clockwise from True South:

1.  $46^{\circ} 59'$ —1327.46 feet along Lot E of Land Court Application 1074 (Pearl Harbor Naval Hospital);
2.  $168^{\circ} 25'$ —153.36 feet along the east side of Kamehameha Highway;
3. Thence along the remainder of Lot 1-A of Land Court Application 966, on a curve to the left with a radius of 40.0 feet, the direct azimuth and distance being  $287^{\circ} 42'$  69.78 feet;
4.  $226^{\circ} 59'$ —1203.07 feet along the remainder of Lot 1-A of Land Court Application 966;
5.  $194^{\circ} 36'$ —92.78 feet along the remainder of Lot 1-A of Land Court Application 966;

6.  $320^{\circ} 35'$ —31.61 feet along the remainder of Lot 1-A of Land Court Application 966;
7.  $8^{\circ} 23'$ —41.45 feet along the remainder of Lot 1-A of Land Court Application 966;
8.  $345^{\circ} 23'$ —70.80 feet along the remainder of Lot 1-A of Land Court Application 966 to the point of beginning and containing an area of 2.195 acres.

But, subject to a portion of Easement 5 of Land Court Application 966 in favor of the U. S. Army (5.0 feet wide) as shown on attached plan. [30]

#### PARCELS E-3 and D-1

Being portions of Lots E, F, J, W and G of Land Court Application 1074 and a portion of Lot 1-A of Land Court Application 966.

At Moanalua, Honolulu and Halawa, Ewa, Island of Oahu, T. H.

Beginning at a point of the Westerly boundary between the Lands of Moanalua (Land Court Application 1074) and Halawa (Land Court Application 966) and the co-ordinates of said point of beginning referred to Government Survey Triangulation Station "Salt Lake" being 4299.39 feet South and 8022.07 feet West, and thence running by azimuths measured clockwise from True South:

1.  $165^{\circ} 23'$ —70.80 feet along the remainder of Lot 1-A of Land Court Application 966, (along Parcel E-2);
2.  $188^{\circ} 23'$ —41.45 feet along the remainder of Lot

1-A of Land Court Application 966, along Parcel E-2;

[Printer's Note: Balance of Exhibit "A" (description of Parcels E-3 and D-1) attached to Declaration of Taking is similar to Exhibit "A" attached to the Petition for Condemnation and printed at pages 14 to 20.]

[Endorsed]: Filed Feb. 10, 1945. [35]

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In the District Court of the United States  
for the District of Hawaii

Civil No. 514

UNITED STATES OF AMERICA,

Petitioner,

vs.

257.654 ACRES OF LAND, more or less, at Moanalua and Halawa, Oahu, Territory of Hawaii;  
CHARLES MANER HITE, Trustee under the Will and of the Estate of Emma Kaleleonalani, deceased; et al.,

Defendants.

ORDER AND JUDGMENT ON DECLARATION  
OF TAKING

It appearing that on the 21st day of June, 1944, the United States of America filed a petition for condemnation of certain lands described and shown on Exhibits "A" and "B" attached to Declaration of Taking; and

6.  $320^{\circ} 35'$ —31.61 feet along the remainder of Lot 1-A of Land Court Application 966;
7.  $8^{\circ} 23'$ —41.45 feet along the remainder of Lot 1-A of Land Court Application 966;
8.  $345^{\circ} 23'$ —70.80 feet along the remainder of Lot 1-A of Land Court Application 966 to the point of beginning and containing an area of 2.195 acres.

But, subject to a portion of Easement 5 of Land Court Application 966 in favor of the U. S. Army (5.0 feet wide) as shown on attached plan. [30]

#### PARCELS E-3 and D-1

Being portions of Lots E, F, J, W and G of Land Court Application 1074 and a portion of Lot 1-A of Land Court Application 966.

At Moanalua, Honolulu and Halawa, Ewa, Island of Oahu, T. H.

Beginning at a point of the Westerly boundary between the Lands of Moanalua (Land Court Application 1074) and Halawa (Land Court Application 966) and the co-ordinates of said point of beginning referred to Government Survey Triangulation Station "Salt Lake" being 4299.39 feet South and 8022.07 feet West, and thence running by azimuths measured clockwise from True South:

1.  $165^{\circ} 23'$ —70.80 feet along the remainder of Lot 1-A of Land Court Application 966, (along Parcel E-2);
2.  $188^{\circ} 23'$ —41.45 feet along the remainder of Lot

1-A of Land Court Application 966, along Parcel E-2;

[Printer's Note: Balance of Exhibit "A" (description of Parcels E-3 and D-1) attached to Declaration of Taking is similar to Exhibit "A" attached to the Petition for Condemnation and printed at pages 14 to 20.]

[Endorsed]: Filed Feb. 10, 1945. [35]

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In the District Court of the United States  
for the District of Hawaii

Civil No. 514

UNITED STATES OF AMERICA,

Petitioner,

vs.

257.654 ACRES OF LAND, more or less, at Moanalua and Halawa, Oahu, Territory of Hawaii;  
CHARLES MANER HITE, Trustee under the Will and of the Estate of Emma Kaleleonalani, deceased; et al.,

Defendants.

ORDER AND JUDGMENT ON DECLARATION  
OF TAKING

It appearing that on the 21st day of June, 1944, the United States of America filed a petition for condemnation of certain lands described and shown on Exhibits "A" and "B" attached to Declaration of Taking; and



It further appearing that there was filed on the 10th day of February, 1945, a Declaration of Taking signed by James Forrestal, Secretary of the Navy, under and pursuant to provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421), declaring taken the full fee simple title, together with all improvements thereon and appurtenances thereunto belonging, as limited in the Declaration of Taking; that the uses of said land and improvements thereon and appurtenances thereunto belonging are those described in the said Declaration of Taking and in the Petition; and that the said Declaration of Taking sets forth the estimate of just compensation made pursuant to law and that contemporaneously with the filing of said Declaration of Taking, there was deposited in the registry of this Court for the use of the persons entitled thereunto the sum of one hundred eight thousand, nine hundred seventy-two dollars and ten cents (\$108,972.10), [37]

It Is Ordered, Adjudged and Decreed that by virtue of the filing of said Declaration of Taking and the deposit of said money, fee simple title to the lands described and shown on Exhibits "A" and "B", attached to said Declaration of Taking, including all improvements and appurtenances upon said lands, as limited by the said Declaration of Taking, is indefeasibly vested in the United States of America; and

It Is Further Ordered that a copy of this Order be promptly served by the United States Marshal upon each of the defendants named and upon each



and every person, company or corporation in possession of said land at the time possession was surrendered to the petitioner. The Marshal is further ordered to post a copy hereof in a conspicuous place on the premises and to forthwith make due return of his said service to this Court.

Dated: Honolulu, T. H., this 10th day of February, 1945.

/s/ J. FRANK McLAUGHLIN,  
Judge of the United States District Court for the  
District of Hawaii.

[Endorsed]: Filed Feb. 10, 1945. [38]

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[Title of District Court and Causes Nos. 514, 525,  
529, 533, 535, 544, 548.]

ANSWER OF HONOLULU PLANTATION  
COMPANY

Comes now Honolulu Plantation Company, a corporation organized under the laws of the State of California and doing business in the Territory of Hawaii, one of the defendants in each of the above entitled causes and for consolidated answer to each of the petitions which have been filed in these consolidated causes, says:

I.

That it admits the allegations contained in para-

graphs I of the petitions heretofore filed in said causes insofar as they allege that the United States has power to condemn the property which it is seeking to take but insofar as the other allegations contained therein are concerned denies that it has knowledge or information sufficient to form a belief as to the allegations therein set forth and therefore neither admits nor denies the same but leaves the petitioner to its proof thereof.

## II.

That except as hereinafter admitted it denies that it has knowledge or information sufficient to form a belief as to the allegations set forth and contained in paragraphs II to V, II to VI and II to VII of said petitions and therefore it neither admits or denies the same but leaves the petitioner to its proof thereof; [40]

## III.

That with respect to the allegations in each of said petitions that it claims an interest in the property described in said petition this defendant admits the same and alleges that at the time of the filing of said petitions and until judgments or orders were entered on declaration of taking filed in said causes it was the owner of an interest in the lands and in some of the improvements thereon and also admits that its various lessors have an interest in the lands described in said petition which are under lease to this defendant that the various leases creating interests and estates will be submitted to the Court on the trial of said causes.

And this defendant further alleges as follows:

That for and during a period of over forty years this defendant has been continuously operating and conducting and is now conducting and operating a sugar mill and plantation at Aiea in the District of Ewa, Island of Oahu, T. H., and has at all times during said period been and now is engaged in the business of growing sugar cane and manufacturing sugar therefrom;

That of the total acreage of land taken are, by reason of the fertility of the soil thereon, their low elevation, and the comparatively small expense with which they can be irrigated, peculiarly adapted to the cultivation and growth of sugar cane, and that this defendant was at the time of the filing of the petitions in these various causes and until the dates fixed for the surrendering of possession by the judgments or orders on the Declaration of Taking entered in these causes and for many years prior thereto had been profitably using said lands for the cultivation and growth of sugar cane;

That the lands included within the parcels of land sought to be condemned which are held by this defendant under lease as aforesaid have a special and enhanced value by reason of the establishment by this defendant of a sugar mill and works, in close proximity to said lands, for the manufacture of sugar cane grown and cultivated thereon and on other lands owned and/or leased by this defendant and by reason of the development of a water supply for the irrigation of said lands, and other lands

as aforesaid by means of artesian wells, pumping machinery and otherwise; [41]

That for the purpose of cultivating the said lands, this defendant has at great expense constructed improvements thereon in some of which it owned an interest at the time it surrendered its possession of said lands pursuant to the judgments or orders entered on the Declaration of Taking filed in these causes;

That the parcels of land sought to be condemned by said petitions in which this defendant has leasehold interests were at the times of the filing of the various petitions in these consolidated causes and until judgments or orders were entered on Declaration of Taking filed in these causes, and for many years prior thereto had been, occupied and cultivated by this defendant as integral parts of the sugar plantation operated and conducted by it at Aiea aforesaid and in connection with other large and contiguous tracts situated outside of the lands described in said petitions but comprised within the said plantation and demised to this defendant by a number of leases and that by the taking of said lands described in the said petitions the integrity of said sugar plantation will be destroyed and the unitary value of the leasehold interests and estates of this defendant in such other and contiguous tracts of land will be greatly impaired and diminished:

Wherefore this defendant prays (1) that the damages suffered by this defendant by reason of the taking of the lands and properties described in

said petitions may be determined and the amount thereof be awarded to and paid to this defendant, and (2) for such other and general relief as may be meet and proper in the premises.

Dated: Honolulu, T. H., February 17, 1945.

HONOLULU PLANTATION  
COMPANY,

By /s/ STANLEY, VITOUSEK,  
PRATT AND WINN,

Its Attorneys.

Defendants above named.

[Endorsed]: Filed Feb. 17, 1945. [42]



In the District Court of the United States  
for the District of Hawaii

April Term 1944

Civil No. 521

UNITED STATES OF AMERICA,

Petitioner,

vs.

49.058 ACRES OF LAND, more or less, McGrew  
Point, Kalauao, Ewa, Oahu, Hawaii, and  
KATHARINE MCGREW COOPER, et al.,  
Defendants.

### PETITION FOR CONDEMNATION

To the Honorable, the Presiding Judges of the  
United States District Court for the District of  
Hawaii:

Now comes the United States of America, by  
Charles F. Rathbun, Special Assistant to the At-  
torney General, acting under the instructions of the  
Attorney General of the United States and at the  
request of the Secretary of Navy of the United  
States and respectfully represents to the Court:

#### I.

That this proceeding is instituted under the au-  
thority of divers and sundry Acts of Congress,  
among them the following:

The Act of Congress approved February 26,  
1931 (46 Stat. 1421), and acts supplementary  
thereto and amendatory thereof;



The Act of Congress approved March 27, 1942 (Public Law 507 - 77th Congress);

The Act of Congress approved January 28, 1944 (Public Law 224 - 78th Congress)

and that the Secretary of Navy, acting under authority vested in him by law, has determined that it is necessary and advantageous to acquire for the United States by condemnation, under judicial process, certain land more particularly described in Exhibit "A", hereto annexed and made a part hereof as though set forth at length.

## II.

That the land sought to be condemned is located at McGrew Point, Kalauao, Ewa, Oahu, Territory of Hawaii, and lies wholly within the jurisdiction of the United States District Court for the District of Hawaii, together with all improvements thereon and appurtenances thereunto belonging as described [44] in said Exhibit "A".

## III.

That attached hereto and made a part hereof is a map or plat marked Exhibit "B", delineating said property.

## IV.

That the interest sought to be condemned is the full fee simple title to said land and all improvements thereon and appurtenances thereunto belonging; subject to existing public utility easements.

## V.

That the land is to be acquired for use to provide for the establishment of Base Hospital No. 8 for Mobile Hospital Unit, and said land is required for immediate use, and that the Secretary of Navy,

pursuant to law, has selected the land described Exhibit "A" as necessary to be acquired by the United States of America for the uses and purposes aforesaid;

#### VI.

That contemporaneously herewith there has been filed a Declaration of Taking and a deposit made of certain funds, therein described and allocated, all pursuant to the Acts of Congress in such case made and provided.

#### VII.

That the petitioner has been in the actual and exclusive possession of said premises mentioned in said Exhibits "A" and "B", hereto attached, continuously from and after the following dates to the present time:

Parcel Number	Date of Possession
1A .....	September 1, 1943
1B .....	December 1, 1943
2A and 2B .....	September 28, 1943
3A, 3B, 3C and 4.....	October 1, 1943

#### VIII.

That Katharine McGrew Cooper; Honolulu Plantation Company; A. Lester Marks, Elizabeth Loy Marks and Elizabeth Janet Cartwright McCandless, Trustees under the Will and of the Estate of Lincoln Loy McCandless, deceased; Aima N. Aluli, Auwae L. Aluli and Noa T. Aluli, Trustees under the Will and of the Estate of Noa W. Aluli; Oahu Railway and Land Company, a corporation; may have or claim to have some interest in said land and that there are or may be certain persons, com-

panies or corporations owning, having or claiming some [45] right, title, estate, interest, lien, encumbrance, claim or charge in, to or upon the land condemned, which said persons, companies or corporations are unknown to the petitioner and are designated as "Unknown Owners" and as John Does One to Fifty and Mary Roes One to Fifty, and are named as defendants in this proceeding.

Wherefore, your petitioner prays this Honorable Court to take jurisdiction of this cause and to make and enter all orders, judgments and decrees necessary to determine title to said real estate condemned, or any part thereof; and to fix and determine the just compensation due for the condemnation of the land aforesaid; and to do any and all things necessary or required to vest in the United States of America a fee simple title in and to the land described in said Exhibit "A" to the exclusion of any and all persons, companies or corporations, subject to existing public utility easements; and to make distribution of the final awards and the amount of the deposit among those persons entitled thereto as expeditiously as may be; and to confirm the actual possession of the said premises by the petitioner as of the dates hereinabove set forth; and for such other and further relief as to the Court may seem just and proper in the premises.

UNITED STATES OF  
AMERICA,

By /s/ CHARLES F. RATHBUN,  
Special Assistant to the  
Attorney General.

(Duly Verified) [46]

## EXHIBIT "A"

## Parcel 1-A

Katharine McGrew Cooper

Description of Lots 1-A, 1-B, 1-C and a portion of Lot 1-D of Land Court Application 334 Situated along the South Side of Oahu Railway and Land Company's right-of-way at Paaiau and Kapuai, Kalauao, Ewa, Oahu, T. H.

Beginning at a point at highwater mark, the coordinates of said point of beginning referred to a concrete monument being the initial point of Land Court Application 334 being 21.81 feet North and 292.49 feet West and the true azimuth and distance from said concrete monument to Government Survey Triangulation Station "Salt Lake" being  $297^{\circ} 59' 30''$  1008.67 feet, and thence running by azimuths measured clockwise from true South:

1.  $73^{\circ} 55'$ —33.03 feet along highwater mark;
2.  $52^{\circ} 00'$ —164.80 feet along highwater mark;
3.  $35^{\circ} 30'$ —100.00 feet along highwater mark;
4.  $58^{\circ} 00'$ —200.00 feet along highwater mark;
5.  $94^{\circ} 30'$ —160.00 feet along highwater mark;
6.  $90^{\circ} 00'$ —100.00 feet along highwater mark;
7.  $71^{\circ} 40'$ —100.00 feet along highwater mark;
8.  $53^{\circ} 10'$ —300.00 feet along highwater mark;
9.  $38^{\circ} 30'$ —100.00 feet along highwater mark;
10.  $18^{\circ} 40'$ —150.00 feet along highwater mark;
11.  $32^{\circ} 50'$ —198.00 feet along highwater mark;
12.  $131^{\circ} 10'$ —260.00 feet along highwater mark;
13.  $118^{\circ} 30'$ —403.00 feet along highwater mark;

14.  $132^{\circ} 20'$ —170.00 feet along highwater mark;
15.  $158^{\circ} 30'$ —100.00 feet along highwater mark;
16.  $186^{\circ} 50'$ —280.00 feet along highwater mark;
17.  $203^{\circ} 20'$ —100.00 feet along highwater mark;
18.  $214^{\circ} 50'$ —130.00 feet along highwater mark;
19.  $189^{\circ} 20'$ —100.00 feet along highwater mark;
20.  $161^{\circ} 50'$ —200.00 feet along highwater mark;
21.  $146^{\circ} 00'$ —150.00 feet along highwater mark;
22.  $220^{\circ} 00'$ —221.70 feet along Grant 171 to Kuaana and passing over a concrete monument at 17.60 feet, and passing over another concrete monument at 195.30 feet;
23.  $296^{\circ} 00'$ —65.30 feet along Grant 171 to Kuaana to a concrete monument;
24.  $284^{\circ} 00'$ —140.60 feet along Grant 171 to Kuaana to a concrete monument;
25.  $225^{\circ} 30'$ —99.00 feet along Grant 171 to Kuaana to a concrete monument;
26.  $183^{\circ} 10'$ —31.70 feet along Grant 171 to Kuaana to a concrete monument;
27.  $248^{\circ} 20'$ —58.20 feet along Grant 171 to Kuaana to a concrete monument;
28.  $277^{\circ} 35'$ —198.50 feet along the South side of Oahu Railway and Land Company's right-of-way;
29.  $324^{\circ} 40'$ —558.00 feet along Grant 171 to Kuaana and R. P. 743, I. C. Aw. 7450-B to Kaiaka;
30.  $221^{\circ} 30'$ —270.00 feet along R. P. 743, I. C. Aw. 7450-B to Kaika and Grant 169 to William E. Gill;
31.  $225^{\circ} 28'$ —227.40 feet along Grant 169 to William E. Gill and Grant 171 to Kuaana;



32. Thence along the South side of Oahu Railway and Land Company's right-of-way, on a curve to the right with a radius of 1402.69 feet, the direct azimuth and distance being  $283^{\circ} 39' 30''$  307.2 feet;
33.  $19^{\circ} 57'$ —10.00 feet along Oahu Railway and Land Company's right-of-way; [48]
34. Thence along the South side of Oahu Railway and Land Company's right-of-way, on a curve to the right with a radius of 1392.69 feet, the direct azimuth and distance being  $293^{\circ} 50' 30''$  189.04 feet;
35.  $48^{\circ} 00'$ —32.03 feet along the remainder of Lot 1-D of Land Court Application 334;
36.  $300^{\circ} 48'$ —167.96 feet along the remainder of Lot 1-D of Land Court Application 334;
37.  $312^{\circ} 16' 30''$ —101.13 feet along the remainder of Lot 1-D of Land Court Application 334;
38. Thence along the remainder of Lot 1-D of Land Court Application 334, on a curve to the right with a radius of 136.08 feet, the direct azimuth and distance being  $19^{\circ} 20'$  126.09 feet;
39.  $46^{\circ} 56'$ —132.00 feet along the remainder of Lot 1-D of Land Court Application 334;
40.  $342^{\circ} 00'$ —151.60 feet to the point of beginning and containing a gross area of 45.427 Acres; exclusive of R. P. 114, L. C. Aw. 5878, Apana 1 to Kukiiahu (0.697 Acre), R. P. 114, L. C. Aw. 5878, Apana 2 to Kukiiahu (0.443 Acre), owned by the Aluli Estate; R. P. 6428, L. C. Aw. 5669, Apana 1 to Kupihea (0.470 acre) R. P. 6428, L. C. Aw. 5669, Apana 2 to Kupihea



(0.107 Acre) owned by the Honolulu Plantation Company, leaving a net area of 43.710 Acres.

WRIGHT, HARVEY &  
WRIGHT,

By /s/ FRED E. HARVEY,  
Surveyor.

Honolulu, T. H., October 29, 1943. [49]

Parcel 2-A

Honolulu Plantation Company

Being R. P. 6428, L. C. Aw. 5669, Apana 1 to Kupihea, situated near the South side of Oahu Railway and Land Company's right-of-way, at Paaiau, Kalauao, Ewa, Oahu, T. H.

Beginning at a concrete monument at the North corner of this piece of land, said point of beginning being also the end of Course 26 of Land Court Application 334, and thence running by azimuths measured clockwise from True South:

1.  $324^{\circ} 30'$ —594.00 feet along Lot 1-B of Land Court Application 334;
2.  $68^{\circ} 42'$ —38.50 feet along Lot 1-B of Land Court Application 334;
3.  $147^{\circ} 00'$ —143.90 feet along Lot 1-B of Land Court Application 334;
4.  $142^{\circ} 00'$ —138.60 feet along Lot 1-B of Land Court Application 334;
5.  $195^{\circ} 00'$ —17.80 feet along Lot 1-B of Land Court Application 334;

6.  $129^{\circ} 00'$ —66.00 feet along Lot 1-B of Land Court Application 334;
7.  $146^{\circ} 40'$ —222.40 feet along Lot 1-B of Land Court Application 334;
8.  $225^{\circ} 30'$ —33.00 feet along Grant 171 to Kuaana to the point of beginning and containing an area of 20,465 square feet or 0.47 acre.

WRIGHT, HARVEY &  
WRIGHT,

By /s/ FRED E. HARVEY,  
Surveyor.

Honolulu, T. H., October 29, 1943. [50]

Parcel 3-A

Aluli Estate

Being R. P. 743, L. C. Aw. 7450-B to Kaiaka, situated near the South side of Oahu Railway and Land Company's right-of-way, at Paaiau, Kalauao, Ewa, Oahu, T. H.

Beginning at the South corner of this piece of land, being also the South corner of R. P. 743, L. C. Aw. 7450-B to Kaiaka and the North corner of R. P. 114, L. C. Aw. 5878, Apana 2 to Kukiiahu, said point of beginning being also the end of Course 30 of Land Court Application 334, and thence running by azimuths measured clockwise from True South:

1.  $144^{\circ} 40'$ —470.00 feet along Lot 1-B of Land Court Application 334 and R. P. 114, L. C. Aw. 5878, Apana 1 to Kukiiahu;

2. 265° 40'—118.00 feet along Grant 171 to Kuaana;
3. 304° 46'—378.04 feet along Grant 169 to William E. Gill;
4. 41° 30'—236.00 feet along Lot 1-B of Land Court Application 334 to the point of beginning and containing an area of 1.558 acres, more or less.

Compiled by:

WRIGHT, HARVEY &  
WRIGHT,

By /s/ FRED E. HARVEY,  
Surveyor.

Honolulu, T. H., November 3, 1943. [51]

Parcel 1-B

Katharine McGrew Cooper

Being Lot 3-A of Land Court Application 334, situated between the Southwest side of Kamehameha Highway and the Northeast side of Oahu Railway and Land Company's right-of-way, at Paaiau, Kalauao, Ewa, Oahu, T. H.

Beginning at the Southwest corner of this piece of land and on the Northeast side of Oahu Railway and Land Company's right-of-way, and thence running by azimuths measured clockwise from True South:

1. 184° 59'—8.50 feet along Grant 169 to William E. Gill to a "X" cut in rock set in concrete;

2.  $232^{\circ} 34' 30''$ —112.86 feet along Grant 169 to William E. Gill;
3. Thence along the South side of Kamehameha Highway, on a curve to the right with a radius of 3295.55 feet, the direct azimuth and distance being  $299^{\circ} 40' 45.5''$  368.52 feet;
4.  $32^{\circ} 53' 04''$ —5.00 feet along Kamehameha Highway;
5. Thence still along the South side of Kamehameha Highway, on a curve to the right with a radius of 3290.55 feet, the direct azimuth and distance being  $304^{\circ} 08' 25.5''$  144.25 feet;
6. Thence along the North side of Oahu Railway and Land Company's right-of-way, on a curve to the left with a radius of 1472.69 feet, the direct azimuth and distance being  $115^{\circ} 55' 31.5''$  305.77 feet;
7.  $19^{\circ} 58'$ —10.00 feet along Oahu Railway and Land Company's right-of-way;
8. Still along the North side of Oahu Railway and Land Company's right-of-way, on a curve to the left with a radius of 1462.69 feet, the direct azimuth and distance being  $104^{\circ} 55'$  257.50 feet to the point of beginning and containing an area of 22,897 square feet or 0.526 acre.

WRIGHT, HARVEY &  
WRIGHT,

By /s/ FRED E. HARVEY,  
Surveyor.

Honolulu, T. H., October 29, 1943. [52]

## Parcel 2-B

## Honolulu Plantation Company

Being R. P. 6428, L. C. Aw. 5669, Apana 2 to Kupaiea, situated about 750 feet in a Southerly direction from Oahu Railway and Land Company's right-of-way at Paaiau, Kalauao, Ewa, Oahu, T. H.

Beginning at the North corner of this piece of land, the true azimuth and distance to the end of Course 30 of Land Court Application 334 being  $231^{\circ} 40' 425.00$  feet to the above described initial point, and thence running by azimuths measured clockwise from True South:

1.  $328^{\circ} 00'$ —79.20 feet along Lot 1-B of Land Court Application 334;
2.  $60^{\circ} 00'$ —60.70 feet along Lot 1-B of Land Court Application 334;
3.  $148^{\circ} 28'$ —75.00 feet along Lot 1-B of Land Court Application 334;
4.  $236^{\circ} 00'$ —60.10 feet along Lot 1-B of Land Court Application 334 to the point of beginning and containing an area of 4,653 square feet or 0.107 acre.

WRIGHT, HARVEY &  
WRIGHT,

By /s/ FRED E. HARVEY,  
Surveyor.

Honolulu, T. H., October 29, 1943. [53]

## Parcel 3-B

## Aluli Estate

Being a portion of R. P. 114, L. C. Aw. 5878, Apana to Kukiiahu, situated on the South side of Oahu Railway and Land Company's right-of-way at Paaiau, Kalauao, Ewa, Oahu, T. H.

Beginning at a concrete monument at the North corner of this piece of land and on the south side of Oahu Railway and Land Company's right-of-way, said point of beginning being also the end of Course 29 of Land Court Application 334, and thence running by azimuths measured clockwise from True South:

1.  $324^{\circ} 40'$ —398.00 feet along portion of Grant 171 to Kuaana and R. P. 743, L. C. Aw. 7450-B to Kaiaka;
2.  $72^{\circ} 21'$ —97.00 feet along Lot 1-B of Land Court Application 334;
3.  $150^{\circ} 06'$ —419.50 feet along Lot 1-B of Land Court Application 334;
4.  $277^{\circ} 35'$ —72.00 feet along the South side of Oahu Railway and Land Company's right-of-way to the point of beginning and containing an area of 30,375 square feet or 0.697 acre.

WRIGHT, HARVEY &  
WRIGHT,

By /s/ FRED E. HARVEY,  
Surveyor.

Honolulu, T. H., October 29, 1943. [54]



Parcel 3-C

Aluli Estate

Being R. P. 114, L. C. Aw. 5878, Apana 2 to Kukiiahu, situated about 500 feet in a Southerly direction from Oahu Railway and Land Company's right-of-way at Paaiau, Kalauao, Ewa, Oahu, T. H.

Beginning at the North corner of this piece of land, being also the North corner of R. P. 114, L. C. Aw. 5878, Apana 2 to Kukiiahu, said North corner being also the end of Course 30 of Land Court Application 334, and thence running by azimuths measured clockwise from True South:

1.  $319^{\circ} 55'$ —170.00 feet along Lot 1-B of Land Court Application 334;
2.  $51^{\circ} 00'$ —121.50 feet along Lot 1-B of Land Court Application 334;
3.  $142^{\circ} 30'$ —157.70 feet along Lot 1-B of Land Court Application 334;
4.  $224^{\circ} 50'$ —114.80 feet along Lot 1-B of Land Court Application 334 to the point of beginning and containing an area of 19,297 square feet or 0.443 acre.

WRIGHT, HARVEY &  
WRIGHT,

By /s/ FRED E. HARVEY,  
Surveyor.

Honolulu, T. H., October 29, 1943. [55]

## Parcel 4

L. L. McCandless

Being portions of Grant 171 to Kuaana and Grant 169 to William E. Gill, situated at Paaiau, Kalauao, Ewa, Oahu, T. H.

Beginning at a concrete monument at the Northwest corner of this piece of land and on the South side of Oahu Railway and Land Company's right-of-way, said point of beginning being also the end of Course 29 of Land Court Application 334, and thence running by azimuths measured clockwise from True South:

1.  $277^{\circ} 35'$ —670.24 feet along the South side of Oahu Railway and Land Company's right-of-way;
2.  $7^{\circ} 35'$ —5.00 feet along the South side of Oahu Railway and Land Company's right-of-way;
3.  $45^{\circ} 28'$ —227.40 feet along Lot 1-B of Land Court Application 334;
4.  $41^{\circ} 30'$ —34.00 feet along Lot 1-B of Land Court Application 334;
5.  $124^{\circ} 46'$ —378.04 feet along R. P. 743, L. C. Aw. 7450-B to Kaiaka;
6.  $85^{\circ} 40'$ —118.00 feet along R. P. 743, L. C. Aw. 7450-B to Kaiaka;
7.  $144^{\circ} 40'$ —88.00 feet along R. P. 114, L. C. Aw.

5878, Apana 1 to Kukiiahu to the point of beginning and containing an area of 1.547 acres, more or less.

Compiled by:

WRIGHT, HARVEY &  
WRIGHT,

By /s/ FRED E. HARVEY,  
Surveyor.

Honolulu, T. H., November 3, 1943.

[Endorsed]: Filed July 17, 1944. [56]

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[Title of District Court and Cause No. 521.]

### DECLARATION OF TAKING

Whereas, pursuant to the authority of the Acts of Congress approved March 27, 1942 (Public Law 507, 77th Congress) and January 28, 1944 (Public Law 224, 78th Congress), the above-styled condemnation proceeding has been instituted.

Now, therefore, pursuant to the provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421), I, Secretary of the Navy, do hereby make and cause to be filed this declaration of taking, and by virtue of authority thereof do hereby state that the lands selected for acquisition aggregate 49.058 acres, more or less, on McGrew Point, Kalauao, Ewa, Oahu, Hawaii, more particularly described in Exhibit "A" attached hereto and made a part hereof and are delineated on a map entitled,

“Boundary Map of Base Hospital No. 8 on McGrew Point, Kalauao, Ewa, Oahu,” 14th N.D. Drawing No. OA-N1-785, approved December 2, 1943, revised February 17, 1944, attached hereto as Exhibit “B” and made a part hereof.

And I do declare said lands to be taken under authority of the aforesaid Acts of Congress; that the use to which said lands are to be put is the establishment of Base Hospital No. 8 for Mobile Hospital [58] Unit, as authorized by said Acts; and that the estate hereby taken in said lands for the public use aforesaid is a fee simple title, subject to public utility easements, pipe lines, and irrigation lines, if any.

And I do hereby state that the sum of money estimated by me to be just compensation for said lands, improvements thereon and appurtenances thereunto belonging, is fifty-five thousand, nine hundred and twenty-six dollars (\$55,926.00) which is hereby deposited into the registry of the court for the use and benefit of the persons entitled thereto, and that the amounts estimated to be just compensation for each ownership are shown on Schedule “A” attached hereto and made a part of this declaration of taking.

I am of the opinion that the ultimate award for the taking of said lands will be within the limits prescribed by Congress.

In Witness Whereof, the petitioner, by and through the Secretary of the Navy, has caused this declaration of taking to be signed and the seal of

the Department of the Navy to be affixed hereto on the 20th day of June, 1944, in the City of Washington, District of Columbia.

UNITED STATES OF  
AMERICA,

(Seal) By /s/ JAMES FORRESTAL. [59]

SCHEDULE "A"

The names and addresses of the persons having title to or other interest in the lands described in the within declaration of taking, and the amounts estimated to be just compensation for each respective ownership, including improvements thereon and appurtenances thereunto belonging, are as follows:

Parcel Number	Ares Area	Owner	Estimated Fair Compensation
1A	43.710	Katherine McGrew Cooper	\$ 55,000.00
1B-	.526		
2A	.470	Honolulu Plantation Company	25.00
2B	.107		
3A	1.558	Aluli Estate	350.00
3B	.697		
3C	.443		
4	1.547	L. L. McCandless Estate	551.00
	<hr/> 49.058	Totals	<hr/> \$ 55,926.00

## EXHIBIT "A"

49.058 Acres more or less located at Kalauao, Ewa, Oahu, Territory of Hawaii.

Parcel No. 1 (Part "A") 43.710 Acres

Description of Lots 1-A, 1-B, 1-C and a portion of Lot 1-D of Land Court Application 334, situated along the south side of Oahu Railway and Land Company's right-of-way at Paaiau and Kupuai, Kalauao, Ewa, Oahu, T. H.

Beginning at a point at highwater mark, the coordinates of said point of beginning referred to a concrete monument being the initial point of Land Court Application 334 being 21.81 feet north and 292.49 feet west and the true azimuth and distance from said concrete monument to Government Survey Triangulation Station "Salt Lake" being  $297^{\circ} 59' 30''$ , 1008.67 feet, and thence running along the highwater mark by azimuths measured clockwise from true south, as follows:  $73^{\circ} 55'$ , 33.03 feet;  $52^{\circ} 00'$ , 164.8 feet;  $35^{\circ} 30'$ , 100.00 feet;  $58^{\circ} 00'$ , 200.00 feet;  $94^{\circ} 30'$ , 160.00 feet;  $90^{\circ} 00'$ , 100.00 feet;  $71^{\circ} 40'$ , 100.00 feet;  $53^{\circ} 10'$ , 300.00 feet;  $38^{\circ} 39'$ , 100.00 feet;  $18^{\circ} 40'$ , 150.00 feet;  $32^{\circ} 50'$ , 198.00 feet;  $131^{\circ} 10'$ , 260.00 feet;  $118^{\circ} 30'$ , 403.00 feet;  $132^{\circ} 20'$ , 170.00 feet;  $158^{\circ} 30'$ , 100.00 feet;  $186^{\circ} 50'$ , 280.00 feet;  $203^{\circ} 20'$ , 100.00 feet;  $214^{\circ} 50'$ , 130.00 feet;  $189^{\circ} 20'$ , 100.00 feet;  $161^{\circ} 50'$ , 200.00 feet;  $146^{\circ} 00'$ , 150.00 feet; thence along Grant 171 to Kuaana as follows:  $220^{\circ} 00'$ , 221.70 feet passing over a concrete monument at 17.60 feet, and passing over another concrete monument at 195.30 feet;  $296^{\circ} 00'$ , 65.30 feet;



284° 00', 140.60 feet; 225° 30', 99.00 feet; 183° 10', 31.70 feet; 248° 20', 58.20 feet to a concrete monument on the south side of Oahu Railway and Land Company right-of-way; 277° 35', 198.50 feet along the south side of Oahu Railway and Land Company's right-of-way; 324° 40', 558.00 feet along Grant 171 to Kuaana and R. P. 743, L. C. Aw. 7450-B to Kaiaka; 221° 30', 270.00 feet along R. P. 743, L. C. Aw. 7450-B to Kaiaka and Grant 169 to William E. Gill; 225° 28', 227.40 feet along Grant 169 to William E. Gill and Grant 171 to Kuaana, to the south side of Oahu Railway and Land Company's right-of-way; thence along the south side of Oahu Railway and Land Company's right-of-way, on a curve to the right with a radius of 1402.69 feet, the direct azimuth and distance of the chord being 283° 39' 30", 307.20 feet; 19° 57', 10.00 feet along Oahu Railway and Land Company's right-of-way; thence along the south side of Oahu Railway and Land Company's right-of-way, on a curve to the right with a radius of 1392.69 feet, the direct azimuth and distance of the chord being 293° 50' 30", 189.04 feet; thence along the remainder of Lot 1-D of Land Court Application 334, as follows: 48° 00', 32.03 feet; 300° 48', 167.96 feet; 312° 16' 30", 101.13 feet; thence on a curve to the right with a radius of 136.08 feet, the direct azimuth and distance of the chord being 19° 20', 126.09 feet; [61] 46° 56', 132.00 feet; 342° 00', 151.60 feet to the point of beginning.

Containing within the above described perimeter, a gross area of 45.427 acres, before deducting the following exceptions:

Parcel No. 2 (Part A) 0.470 Acre

Parcel No. 2 (Part B) 0.107 Acre

Parcel No. 3 (Part B) 0.697 Acre

Parcel No. 3 (Part C) 0.443 Acre

Containing after said exceptions, 43.710 acres.

Parcel No. 1 (Part "B") 0.526 Acre

Being Lot 3-A of Land Court Application 334, situated between the southwest side of Kamahameha Highway and the northeast side of Oahu Railway and Land Company's right-of-way, at Paaiau, Kalauao, Ewa, Oahu, T. H.

Beginning at the southwest corner of this piece of land and on the northeast side of Oahu Railway and Land Company's right-of-way, and thence running by azimuths measured clockwise from true south; 184° 59', 8.50 feet along Grant 169 to William E. Gill to a "†" cut in rock set in concrete; 232° 34' 30", 112.86 feet along Grant 169 to William E. Gill: thence along the south side of Kamahameha Highway, on a curve to the right with a radius of 3295.55 feet, the direct azimuth and distance of the chord being 299° 40' 45.5", 368.52 feet; 32° 53' 04", 5.00 feet along Kamehameha Highway; thence still along the south side of Kamahameha Highway, on a curve to the right with a radius of 3290.55 feet, the direct azimuth and distance of the chord, being 304° 08' 25.5", 144.25 feet; thence along the north side of Oahu Railway and Land Company's right-of-way, on a curve to the left with

a radius of 1472.69 feet, the direct azimuth and distance of the chord being  $115^{\circ} 55'$ , 31.5", 305.77 feet;  $19^{\circ} 58'$ , 10.00 feet along Oahu Railway and Land Company's right-of-way; still along the north side of Oahu Railway and Land Company's right-of-way, on a curve to the left with a radius of 1462.69 feet, the direct azimuth and distance of the chord being  $104^{\circ} 55'$ , 257.50 feet to the point of beginning and containing an area of 22,897 square feet or 0.526 acre.

Parcel No. 2 (Part "A") 0.470 Acre

Being R.P. 6428, L. C. Aw. 5669, Apana 1 to Kupihea, situated near the south side of Oahu Railway and Land Company's right-of-way at Paaiau, Kalauao, Ewa, T. H.

Beginning at a concrete monument at the north corner of this piece of land, said point of beginning being also the end of course 26 of Land Court Application 334, and thence running by [62] azimuths measured clockwise from true south along Lot 1-B of Land Court Application 334 as follows:  $324^{\circ} 30'$  594.00 feet;  $68^{\circ} 42'$  38.50 feet;  $147^{\circ} 00'$  143.90 feet;  $142^{\circ} 00'$  138.60 feet;  $195^{\circ} 00'$  17.80 feet;  $129^{\circ} 00'$  66.00 feet;  $146^{\circ} 40'$ , 222.40 feet;  $225^{\circ} 30'$ , 33.00 feet along Grant 171 to Kuaana to the point of beginning and containing an area of 20,465 square feet or 0.47 acre.

Parcel No. 2 (Part "B") 0.107 Acre

Being R. P. 6428, L. C. Aw. 5669, Apana 2 to Kupiahea, situated about 750 feet in a southerly

direction from Oahu Railway and Land Company's right-of-way at Paaiau, Kalauao, Ewa, Oahu, T.H.

Beginning at the north corner of this piece of land, the true azimuth and distance from the end of Course 30 of Land Court Application 334 being  $231^{\circ} 40'$ , 425.00 feet to the above described initial point, and thence running by azimuths measured clockwise from true south along Lot 1-B of Land Court Application 334, as follows:  $328^{\circ} 00'$ , 79.20 feet;  $60^{\circ} 00'$ , 60.70 feet;  $148^{\circ} 28' 75.00$  feet;  $236^{\circ} 00'$ , 60.10 feet to the point of beginning and containing an area of 4,653 square feet or 0.107 acre.

Parcel No. 3 (Part "A") 1.558 Acres

Being R. P. 743, L.C.Aw. 7450-B to Kaiaka, situated near the south side of Oahu Railway and Land Company's right-of-way at Paaiau, Kalauao, Ewa, Oahu, T. H.

Beginning at the south corner of this piece of land, being also the south corner of R.P. 743, L. C. Aw. 7450-B to Kaiaka and the north corner of R.P. 114, L. C. Aw. 5878, Apana 2 to Kukiiahu, said point of beginning being also the end of Course 30 of Land Court Application 334, and thence running by azimuths measured clockwise from true south;  $144^{\circ} 40'$ , 470.00 feet along Lot 1-B of Land Court Application 334 and R. P. 114, L. C. Aw. 5878, Apana 1 to Kukiiahu;  $265^{\circ} 40'$ , 118.00 feet along Grant 171 to Kuaana;  $334^{\circ} 46'$ , 378.04 feet along Grant 169 to William E. Gill;  $41^{\circ} 30'$ , 236.00 feet along Lot 1-B of Land Court Application 334 to the point of beginning and containing an area of 1.558 acres, more or less.

## Parcel No. 3 (Part "B") 0.697 Acre

Being a portion of R. P. 114, L.C.Aw. 5878, Apana 1 to Kukiiahu, situated on the south side of Oahu Railway and Land Company's right-of-way at Paaiau, Kalauao, Ewa, Oahu, T. H.

Beginning at a concrete monument at the north corner of this piece of land and on the south side of Oahu Railway and Land Company's [63] right-of-way, said point of beginning being also the end of Course 29 of Land Court Application 334, and thence running by azimuths measured clockwise from true south:  $324^{\circ} 40'$ , 398.00 feet along portion of Grant 171 to Kuaana and R. P. 743, L. C. Aw. 7450-B to Kaiaka;  $72^{\circ} 20'$ , 97.00 feet along Lot 1-B of Land Court Application 334;  $150^{\circ} 06'$ , 419.50 feet along Lot 1-B of Land Court Application 334;  $277^{\circ} 35'$ , 72.00 feet along the south side of Oahu Railway and Land Company's right-of-way to the point of beginning and containing an area of 30,375 square feet or 0.697 acre.

## Parcel No. 3 (Part "C") 0.443 Acre

Being R. P. 114, L.C. Aw. 5878, Apana 2 to Kukiiahu, situated about 500 feet in a southerly direction from Oahu Railway and Land Company's right-of-way at Paaiau, Kalauao, Ewa, Oahu, T. H.

Beginning at the north corner of this piece of land, being also the north corner of R.P. 114, L.C. Aw. 5878, Apana 2 to Kukiiahu, said north corner being also the end of Course 30 of Land Court Application 334, and thence running by azimuths and measured clockwise from true south, along



Lot 1-B of Land Court Application 334, as follows: 319° 55', 170.00 feet; 51° 00', 121.50 feet; 142° 30', 157.70 feet; 224° 50', 114.80 feet to the point of beginning and containing an area of 19,297 square feet or 0.443 acre.

Parcel No. 4, 1.547 Acres

Being portions of Grant 171 to Kuaana and Grant 169 to William E. Gill, situated at Paaiau, Kalauao, Ewa, Oahu, T. H.

Beginning at a concrete monument at the north-west corner of this piece of land and on the south side of Oahu Railway and Land Company's right-of-way, said point of beginning being also the end of Course 29 of Land Court Application 334, and thence running by azimuths measured clockwise from true south: 227° 35', 670.24 feet along the south side of Oahu Railway and Land Company's right-of-way: 7° 35', 5.00 feet along the south side of Oahu Railway and Land Company's right-of-way: 45° 28', 227.40 feet along Lot 1-B of Land Court Application 334; 41° 30', 34.00 feet along Lot 1-B of Land Court Application 334; 124° 46', 378.04 feet along R.P. 743, L.C.Aw. 7450-B to Kaiaka; 85° 40', 118.00 feet along R.P. 743, L.C.Aw. 7450-B to Kaiaka; 114° 40' 88.00 feet along R.P. 114, L.C. Aw. 5878, Apana 1 to Kukiiahu to the point of beginning and containing an area of 1.547 acres, more or less.

Containing in all the above described parcels, 49.058 acres, more or less, as delineated on that certain plat entitled "Base Hospital No. 8, on McGrew



Point, Kalauao, Ewa, Oahu"—Drawing No. OA-N1-785—approved December 2, 1943,—altered February 17, 1944.

[Endorsed]: Filed July 17, 1944. [64]

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In the District Court of the United States  
for the District of Hawaii

April Term 1944

Civil No. 521

UNITED STATES OF AMERICA,

Petitioner,

vs.

49.058 ACRES OF LAND, more or less, McGrew  
Point, Kalauao, Ewa, Oahu, Hawaii, and Kath-  
arine McGrew Cooper, et al.,

Defendants.

ORDER AND JUDGMENT ON DECLARATION  
OF TAKING

It appearing to the Court that on the 17th day of July, 1944, the United States of America filed herein a Petition for Condemnation of certain land described in Exhibit "A" hereto annexed and made a part hereof as though set forth at length:

That contemporaneously therewith there was filed a Declaration of Taking signed by James Forrestal, Secretary of Navy of the United States, under and pursuant to the provisions of the Act of Congress approved February 26, 1931 (46 Stat., 1421), and acts supplementary thereto and amendatory thereof, and under the further authority of

the Act of Congress approved March 27, 1942 (Public Law 507—77th Congress), and the Act of Congress approved January 28, 1944 (Public Law 224—78th Congress), for the taking of the fee simple title in and to the lands described in said Exhibit “A”, subject to existing public utility easements; and that the uses of said land being acquired are described in said Acts of authority and in said Declaration of Taking and in the verified Petition of the United States of America filed herein, and that said Declaration of Taking further sets forth the estimate of just compensation, made pursuant to law; and that contemporaneously therewith there was deposited in the registry of this court for the use of the persons entitled thereto, the sum of Fifty-five thousand, nine hundred and [67] twenty-six dollars (\$55,926.00); and for good cause shown and the Court being fully advised in the premises,

It is ordered, adjudged and decreed that by virtue of the filing of the said Declaration of Taking as aforesaid, and upon the premises aforesaid, that title of the land described in said Exhibit “A”, be and it is hereby indefeasibly vested in the United States of America in fee simple, subject to existing public utility easements; and

It is further ordered and adjudged that the owners, claimants and occupants of said land on every part and parcel thereof, forthwith deliver to the Petitioner herein and to its duly authorized agents the immediate and exclusive possession of said lands; and it appearing that the petitioner has been in the exclusive and continuous possession of said lands from and since the dates set forth

in the petition herein to the present time, such possession of the United States of America is hereby confirmed as of the following dates:

Parcel Number—Date of Possession

1A—September 1, 1943

1B—December 1, 1943

2A and 2B—September 28, 1943

3A, 3B, 3C and 4—October 1, 1943;

and

It is further ordered that a certified copy of this Order with the Certificate of the Clerk of this Court showing the payment into the Registry of this Court of the sum hereinabove set forth, be promptly served by the United States Marshal, upon each of defendants named and upon each and every person, company or corporation in possession of said premises, and the Marshal is ordered to post a certified copy hereof at a conspicuous place on the premises and to forthwith make due return of his said service to this Court.

Dated: Honolulu, T.H., this 17th day of July, 1944.

/s/ J. FRANK McLAUGHLIN,

Judge of the District Court of the United States  
for the District of Hawaii.

[Printer's Note: Exhibit "A" (description of land) attached to Order and Judgment on Declaration of Taking is similar to Exhibit "A" attached to the Petition for Condemnation and set out at pages 40-51 of this printed Record.]

[Endorsed]: Filed July 17, 1944. [68]

[Title of District Court and Cause No. 521.]

## ANSWER OF HONOLULU PLANTATION COMPANY

Comes now Honolulu Plantation Company, one of the defendants named in the above entitled matter, and for answer to the petition for condemnation filed herein admits, denies and alleges as follows:

### I.

That with respect to the allegations contained in paragraphs I, II, III, IV, V, VI, VII and VIII of said petition, except as hereinafter alleged, this defendant has insufficient information to either admit or deny the same and leaves the petitioner to its proof thereof.

### II.

That with respect to the allegations contained in paragraph VIII of said petition this defendant admits that it is the owner in fee simple of Parcels 2-A and 2-B described in said petition and is lessee of the Noa W. Aluli Estate of Parcels 3-A, 3-B and 3-C under unrecorded Lease dated May 28, 1935, as extended by Extension of Lease dated August 25, 1939 and May 8, 1942 for a term to expire five (5) years from January 1, 1944.

### III.

That by way of further answer to the allegations contained in paragraphs VI and VIII, this defendant alleges that it has been served with a copy of the Declaration of Taking therein mentioned, attached to which as [80] Schedule "A" is a state-

ment of the petitioner's estimated fair compensation for the taking of the property of this defendant; that said Schedule "A" does not show the just compensation for the taking of the property of this defendant; that the value of said property and the interests of this defendant therein and the just compensation for the taking thereof is greatly in excess of the amounts stated in said Schedule, and this defendant denies that the amounts set forth therein are just compensation for said property and the interests therein of this defendant as owner and as lessee as aforesaid.

Wherefore this defendant prays that the Court determine the estate and interest of this defendant in and to the parcels of land hereinabove mentioned, described or referred to and the compensation and damages to be awarded to this defendant for the taking of its property and leaseholds and in the improvements thereon; and that this defendant be allowed its costs herein and such other and further relief as the Court may deem meet and just in the premises.

Dated: Honolulu, T. H., August 5th, 1944.

HONOLULU PLANTATION  
COMPANY,

By /s/ P. E. SPALDING,  
Its Attorney-in-fact.

(Duly Verified.)

[Endorsed]: Filed Aug. 7, 1944. [81]



[Title of District Court and Cause No. 521.]

### AMENDED DECLARATION OF TAKING

Whereas, pursuant to the authority of the Acts of Congress approved March 27, 1942 (Public Law 507, 77th Congress) and January 28, 1944 (Public Law 224, 78th Congress), the above-styled condemnation proceeding has been instituted.

Now, therefore, pursuant to the provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421), I, Secretary of the Navy, do hereby make and cause to be filed this amended declaration of taking, and by virtue of authority thereof do hereby state that the lands selected for acquisition aggregate 49.058 acres, more or less, on McGrew Point, Kalauao, Ewa, Oahu, Hawaii, more particularly described in Exhibit "A" attached hereto and made a part hereof, and are relineated on a map entitled, "Boundary Map of Base Hospital No. 8 on McGrew Point, Kalauao, Ewa, Oahu," 14th N.D. Drawing No. OA-N1-785, approved December 2, 1943, revised February 17, 1944, attached hereto as Exhibit "B" and made a part hereof.

And I do declare said lands to be taken under authority of the aforesaid Acts of Congress; that the use to which said lands are to be put is the establishment of Base Hospital No. 8 for Mobile Hospital Unit, [82] as authorized by said Acts; and that the estate hereby taken in said lands for the public use aforesaid is a fee simple title, subject to existing public utility easements.



And I do hereby state that the sum of money estimated by me to be just compensation for said lands, improvements thereon and appurtenances thereunto belonging, is Ninety-seven thousand, five hundred dollars (\$97,500.00), which is hereby deposited into the registry of the court for the use and benefit of the persons entitled thereto, and that the amounts estimated to be just compensation for each ownership are shown on Schedule "A" attached hereto and made a part of this amended declaration of taking.

I am of the opinion that the ultimate award for the taking of said lands will be within the limits prescribed by Congress.

In Witness Whereof, the petitioner, by and through the Secretary of the Navy, has caused this amended declaration of taking to be signed on the twenty-seventh day of August, 1945, in the City of Washington, District of Columbia.

UNITED STATES OF  
AMERICA,

By /s/ JAMES FORRESTAL. [83]

SCHEDULE "A"

The names and addresses of the persons having title to or other interest in the lands described in the within declaration of taking, and the amounts estimated to be just compensation for each respective ownership, including improvements thereon and appurtenances thereunto belonging, are as follows:

Parcel Number	Acres Area	Owner	Estimated Fair Compensation
1A	43.710	Katharine McGrew Cooper	\$ 95,513.00
1B	.526		
2A	.470	Honolulu Plantation Company	155.00
2B	.107		
3A	1.558	Aima N. Aluli	922.00
3B	.697	Auwae L. Aluli	
3C	.443	Noa T. Aluli	
		Trustees under the Will and of the Estate of Noa W. Aluli	
4	1.547	A. Lester Marks	910.00
		Elizabeth Loy Marks	
		Elizabeth Janet Cartwright McCandless	
		Trustees under the Will and of the Estate of Lincoln Loy Mc- Candless, deceased	
<hr/>			<hr/>
	49.058	Totals	\$ 97,500.00

[Printer's Note: Exhibit "A" (description of land) attached to Amended Declaration of Taking is similar to Exhibit "A" attached to Petition for Condemnation and set out at pages 40-51 of this printed Record.]

[Endorsed]: Filed Oct. 30, 1945.

[84]

[Title of District Court and Cause No. 521.]

## ORDER AND JUDGMENT ON AMENDED DECLARATION OF TAKING

It appearing to the Court that on the 17th day of July, 1944, the United States of America filed a Petition for Condemnation of certain land described in said Petition and the Exhibits attached thereto and that there was filed in the above cause a Declaration of Taking signed by James Forrestal, Secretary of the Navy of the United States, and it further appearing that on the 30th day of October, 1945, there was filed an Amended Declaration of Taking in the above cause, signed by James

Forrestal, Secretary of the Navy of the United States, and that said amended Declaration of Taking sets forth a new estimate of just compensation made pursuant to law, and that contemporaneously with the filing of said amended Declaration of Taking there was deposited in the registry of this Court for the use of the persons entitled thereto the sum of Forty-One Thousand, Five Hundred Seventy-four Dollars (\$41,574.00) as an additional amount for the use of the persons entitled thereto and good cause shown and the Court being fully advised in the premises, [96]

It Is Ordered, Adjudged and Decreed that by virtue of the filing of said amended Declaration of Taking as aforesaid, that title of the land described in Exhibit "A" and delineated on the map attached thereto as Exhibit "B" has been and is hereby indefeasibly vested in the United States of America in fee simple, subject to existing public utility easements; and

It Is Further Ordered that a copy of this Order be promptly served by the United States Marshal upon each of the defendants in this cause. The Marshal is further ordered to post a copy hereof in a conspicuous place on the premises and to forthwith make due return of his said service to this Court.

Dated Honolulu, T. H., this 30th day of October, 1945.

/s/ D. E. METZGER.

Judge of the United States District Court for the District of Hawaii.

[Endorsed]: Filed Oct. 30, 1945.

[97]

In the District Court of the United States  
For the District of Hawaii

April Term 1944

Civil No. 525

UNITED STATES OF AMERICA,

Petitioner,

vs.

216.124 ACRES OF LAND, more or less, in Moanalua, Honolulu, Oahu, Territory of Hawaii, John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell, Trustees under the Will and of the Estate of Samuel M. Damon, deceased, et al.,

Defendants.

### PETITION FOR CONDEMNATION

To the Honorable, the Presiding Judges of the  
United States District Court for the District of  
Hawaii:

Now comes the United States of America, by Charles F. Rathbun and Robert S. Tarnay, Special Assistants to the Attorney General, acting under the instructions of the Attorney General of the United States and at the request of the Secretary of Navy of the United States, and respectfully represents to the Court:

#### I.

That this proceeding is instituted under the authority of divers and sundry Acts of Congress, among them the following:

The Act of Congress approved March 27, 1942 (Public Law 507—77th Congress)

The Act of Congress approved January 28, 1944 (Public Law 224—78th Congress)

and that the Secretary of Navy, acting under authority vested in him by law and pursuant to law, has determined that it is necessary to acquire for the United States of America by condemnation, under judicial process, certain land more particularly described in Exhibits "A" and "B", hereto annexed and made a part hereof as though set forth at length. [99]

## II.

That the land sought to be condemned is located in Moanalua, Honolulu, Oahu, Territory of Hawaii, and lies wholly within the jurisdiction of the United States District Court for the Territory of Hawaii, together with all improvements thereon and appurtenances thereunto belonging, as described in said Exhibits "A" and "B".

## III.

That attached hereto and made a part hereof is a map or plat marked Exhibit "B", delineating said property.

## IV.

That the interest sought to be condemned is the full fee simple title to said land and all improvements thereon and appurtenances thereunto belonging, subject to existing public utility, pipe line, and irrigation and drainage easements.



## V.

That the said land and improvements thereon and appurtenances thereunto belonging are to be acquired under the authority of and for the purposes set forth in the various Acts of Congress hereinabove mentioned, and particularly for use in connection with storage facilities and as a site for Camp Catlin.

## VI.

That John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell, Trustees under the Will and of the Estate of Samuel M. Damon, deceased; Samuel Renny Damon; Honolulu Plantation Company; City and County of Honolulu and Territory of Hawaii are the owners of or claim to have some interest in said land, and that other persons interested therein are to the petitioner unknown, and any and all persons, companies or corporations owning, having or claiming any right, title, estate, interest, lien, encumbrance, claim or charge in, to or upon the land are described as "Unknown Owners" and are designated [100] as John Does One to Fifty and Mary Roes One to Fifty, and are named as defendants in this proceeding.

## VII.

That the Secretary of Navy of the United States has determined that the utmost haste in expediting this project is vital to the War purposes of the United States and he has therefore determined that immediate possession of said land and all im-



provements thereon and appurtenances thereunto belonging, to the extent of the interest to be acquired therein, is necessary by the United States and that certain and adequate provisions have been made for the payment of just compensation which may be adjudged due for the condemnation of the land described in said Exhibits "A" and "B"; and that the petitioner has been in actual possession of Parcel D-4, described and shown in said Exhibits "A" and "B", from and since July 7, 1942 under a right of entry granted by John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell, Trustees under the Will and of the Estate of Samuel M. Damon, deceased, and consented to by the Honolulu Plantation Company; and has likewise been in possession of Parcel D-6, described and shown in said Exhibits "A" and "B", under a lease executed between the petitioner and John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell, Trustees under the Will and of the Estate of Samuel M. Damon, deceased, dated June 12, 1942 demising a term beginning July 21, 1941, which lease as extended expired June 30, 1944, and that petitioner has remained in possession from the date of expiration of said lease extended until the present time. That by said right of entry, it was provided that in case the Government should undertake to acquire any interest in the premises or any part thereof by condemnation proceedings, that the said John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear and

John Edward Russell, Trustees under the Will and of the Estate of Samuel M. Damon, deceased, would claim no damages or any interest in any improvements made to the premises by the [101] petitioner, and further providing that the condition of the said premises as of the date of the right of entry should be taken for valuation purposes as the condition of the premises on the date of taking in said proceedings; that it was stipulated and agreed in said lease, that on July 21, 1941 the property, described herein, was unimproved, uncleared and unleveled, and that no claim would be made by the lessor for any damages or interest in any improvements placed upon the land by the Government or for any clearing, leveling, utility installations or roads placed thereon by the United States.

Wherefore, your petitioner prays this Honorable Court to take jurisdiction of this cause and to make and enter all orders, judgments and decrees necessary to determine title of said real estate condemned, or any part thereof; and to fix and determine the just compensation due for the condemnation of the aforesaid lands; that the Court adjudge and determine that the immediate possession of said lands be taken to the extent of the interest being acquired herein for the War and Naval purposes of the United States; that upon payment into the registry of this court for the United States for use of the persons entitled thereto of the sum adjudged to be full compensation for the said condemnation of said land, that title

of said land be vested in the United States of America in fee simple absolute, subject to the exceptions set forth in paragraph IV; and that the court make distribution of the final awards among the persons entitled thereto as expeditiously as may be and for such other and further relief as to the Court may seem just and proper in the premises.

UNITED STATES  
OF AMERICA,

By /s/ CHARLES F. RATHBUN,  
Special Asst. to Atty. General.

By /s/ ROBERT S. TARNEY,  
Special Asst. to Atty. General.

(Duly Verified.)

[102]

## EXHIBIT "A"

## PARCEL D-4

Being portions of Lots G and H of Land Court  
Application 1074 Situated at Moanalua, Hono-  
lulu, Oahu, T. H.

Beginning at the South corner of this parcel of land, at the intersection of the new mauka line of Kanehamaha Highway, said line established by Territory of Hawaii Condemnation Law No. 17049, and the Ewa boundary of Puuloa Road (Exclusion 14 of Land Court Application 1074), the true azimuth and distance from a City and County Survey Street Monument being  $244^{\circ} 09' 190.74$  feet and the co-ordinates of said City and County Survey Street Monument referred to Government Survey Triangulation Station 168, are as follows:

gulation Station "Salt Lake" being 10085.47 feet South and 1487.34 feet East, and thence running by azimuths measured clockwise from True South from the above described initial point:

1.  $99^{\circ} 04'$ —1635.89 feet along the new mauka line of Kamehameha Highway, said line established by Territory of Hawaii Condemnation Law No. 17049;
2.  $99^{\circ} 03' 20''$ —1812.37 feet along the new mauka line of Kamehameha Highway, said line established by Territory of Hawaii Condemnation Law No. 17049;
3. Thence on a curve to the left with a radius of 50.00 feet along the remainder of Lot G of Land Court Application 1074, the direct azimuth and distance being  $235^{\circ} 46' 10''$  68.56 feet;
4.  $192^{\circ} 29'$ —288.52 feet along the remainder of Lot G of Land Court Application 1074; [104]
5.  $189^{\circ} 04'$ —802.03 feet along the remainders of Lots G and H of Land Court Application 1074;
6.  $276^{\circ} 20' 40''$ —2882.96 feet along the remainder of Lot H of Land Court Application 1074, along Parcel D-6;
7.  $9^{\circ} 04'$ —484.09 feet along the remainder of Lot H of Land Court Application 1074;
8.  $348^{\circ} 26'$ —337.76 feet along Lot H of Land Court Application 1074;
9.  $273^{\circ} 14'$ —74.80 feet along Lot H of Land Court Application 1074;
10.  $251^{\circ} 39'$ —171.50 feet along Lot H of Land Court Application 1074;

11.  $275^{\circ} 28'$ —97.96 feet along Lot H of Land Court Application 1074;
12.  $327^{\circ} 00'$ —485.39 feet along Lot H of Land Court Application 1074;
13. Thence on a curve to the right with a radius of 885.36 feet along the Ewa boundary of Puuloa Road (Exclusion 14 of Land Court Application 1074), the direct azimuth and distance being  $61^{\circ} 24' 01''$  336.82 feet to the point of beginning and containing an area of 87.724 acres.

WRIGHT, HARVEY &  
WRIGHT,

By /s/ FRED E. HARVEY,  
Surveyor.

[105]

Honolulu, T. H. June 28, 1944.

#### PARCEL D-6

Being portions of Lots H and J of Land Court Application 1074 Situated at Moanalua, Honolulu, Oahu, T. H.

Beginning at the most Westerly corner of this parcel of land, the co-ordinates of said point of beginning referred to Government Survey Triangulation Station "Salt Lake" being 8298.51 feet South and 1945.23 feet West, and thence running by azimuths measured clockwise from true South:

1.  $211^{\circ} 59' 30''$ —190.64 feet along the remainder of Lot H and along Lot J of Land Court Application 1074;



2.  $221^{\circ} 03'$ —321.00 feet along Lot J of Land Court Application 1074;
3.  $222^{\circ} 51'$ —283.80 feet along Lot J of Land Court Application 1074;
4.  $201^{\circ} 10'$ —473.50 feet along Lot J of Land Court Application 1074;
5.  $207^{\circ} 05'$ —82.51 feet along Lot J of Land Court Application 1074 to a pipe;
6.  $263^{\circ} 08' 30''$ —185.88 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;
7.  $234^{\circ} 54'$ —81.89 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;
8.  $284^{\circ} 11'$ —264.11 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;
9.  $273^{\circ} 42' 30''$ —228.00 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;
10.  $253^{\circ} 53' 30''$ —353.58 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;
11.  $250^{\circ} 29'$ —379.28 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;
12.  $233^{\circ} 54'$ —232.37 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;
13.  $313^{\circ} 05'$ —52.75 feet along the remainder of Lot J of Land Court Application 1074 to a pipe;
14.  $310^{\circ} 07' 30''$ —311.80 feet along the remainder



of Lots J and H of Land Court Application 1074 to a pipe; [106]

15.  $287^{\circ} 04'$ —111.76 feet along the remainders of Lots H and J of Land Court Application 1074 to a pipe;
16.  $261^{\circ} 29' 30''$ —212.56 feet along the remainder of Lot J of Land Court Application 1074 to a pipe;
17.  $269^{\circ} 46' 30''$ —532.18 feet along the remainder of Lot J of Land Court Application 1074 to a pipe;
18.  $249^{\circ} 15'$ —184.30 feet along the remainder of Lot J of Land Court Application 1074 to a pipe;
19.  $261^{\circ} 24'$ —293.95 feet along the remainder of Lot J of Land Court Application 1074 to a pipe;
20.  $225^{\circ} 11'$ —365.11 feet along the remainder of Lot J of Land Court Application 1074 to a pipe;
21.  $300^{\circ} 44'$ —28.55 feet along the remainder of Lot J of Land Court Application 1074 to a nail driven in rock;
22.  $353^{\circ} 50'$ —135.00 feet along the remainder of Lot J of Land Court Application 1074 to a nail driven in rock;
23.  $333^{\circ} 34'$ —223.39 feet along the remainder of Lot J of Land Court Application 1074 to a pipe;
24.  $295^{\circ} 25'$ —238.48 feet along the remainder of Lot J of Land Court Application 1074 to a pipe;
25.  $46^{\circ} 04' 30''$ —153.24 feet along the remainder of

- Lot J of Land Court Application 1074 to a pipe;
26.  $36^{\circ} 56'$ —142.30 feet along the remainder of Lot J of Land Court Application 1074 to a pipe;
  27.  $10^{\circ} 49'$ —257.90 feet along the remainder of Lot J of Land Court Application 1074 to a pipe;
  28.  $102^{\circ} 20'$ —67.80 feet along the remainder of Lot J of Land Court Application 1074 to a pipe;
  29.  $75^{\circ} 08' 30''$ —57.98 feet along the remainder of Lot J of Land Court Application 1074 to a pipe;
  30.  $15^{\circ} 31' 30''$ —55.92 feet along the remainder of Lot J of Land Court Application 1074 to a pipe;
  31.  $344^{\circ} 17'$ —97.50 feet along the remainder of Lot J of Land Court Application 1074 to a pipe;
  32.  $18^{\circ} 46'$ —290.80 feet along the remainders of Lots J and H of Land Court Application 1074 to a pipe;
  33.  $133^{\circ} 40' 30''$ —222.30 feet along the remainder of Lot H of Land Court Application 1074 to a pipe; [107]
  34.  $66^{\circ} 25' 30''$ —209.34 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;
  35.  $337^{\circ} 22'$ —230.59 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;
  36.  $21^{\circ} 06'$ —163.70 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;

37.  $326^{\circ} 04'$ —69.39 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;
38.  $307^{\circ} 00' 30''$ —123.55 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;
39.  $253^{\circ} 02' 30''$ —117.89 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;
40.  $271^{\circ} 06'$ —87.69 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;
41.  $353^{\circ} 16' 30''$ —8508 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;
42.  $348^{\circ} 28'$ —213.58 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;
43.  $345^{\circ} 06' 30''$ —137.92 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;
44.  $357^{\circ} 25'$ —231.17 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;
45.  $71^{\circ} 43' 30''$ —180.37 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;
46.  $99^{\circ} 25' 30''$ —149.31 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;
47.  $190^{\circ} 28'$ —340.98 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;

48.  $210^{\circ} 40' 30''$ —87.71 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;
49.  $135^{\circ} 48' 30''$ —216.24 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;
50.  $82^{\circ} 01'$ —110.23 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;
51.  $177^{\circ} 13'$ —92.00 feet along the remainder of Lot H of Land Court Application 1074 to a pipe;
52.  $145^{\circ} 24' 30''$ —125.58 feet along the remainder of Lot H of Land Court Application 1074 to a pipe; [108]
53.  $116^{\circ} 48'$ —136.72 feet along the remainder of Lot H of Land Court Application 1074 to a spike;
54.  $20^{\circ} 38' 30''$ —385.00 feet along the remainder of Lot H of Land Court Application 1074;
55.  $96^{\circ} 20' 40''$ —3415.67 feet along the remainder of Lot H of Land Court Application 1074, along Parcel D-4 to the point of beginning and containing an area of 128.40 acres.

Honolulu, T. H. June 28, 1944.

WRIGHT, HARVEY &  
WRIGHT,

By /s/ FRED E. HARVEY,  
Surveyor.

[Title of District Court and Cause No. 525.]

## ANSWER OF HONOLULU PLANTATION CO.

Comes now Honolulu Plantation Company, one of the defendants named in the above entitled matter, and for answer to the petition for condemnation filed herein admits, denies and alleges as follows:

### I.

That with respect to the allegations contained in paragraphs I, II, III, IV, V, VI, and VII, except as hereinafter alleged, this defendant has insufficient information to either admit or deny the same and leaves the petitioner to its proof thereof.

### II.

That with respect to the allegations contained in paragraph VII of said petition this defendant alleges that it holds a leasehold interest in certain of the properties described in the exhibits attached to said petition.

Wherefore this defendant prays that the court determine [112] the interest and estate of this defendant in and to the parcels of land sought to be condemned by the petitioner in these proceedings, and that the court determine the compensation and damages to be awarded to this defendant for the taking of its property, and that this defendant be allowed its costs herein and such other and fur-

ther relief as the court may deem meet and just in the premises.

Dated Honolulu, T. H., October 24, 1944.

HONOLULU PLANTATION  
COMPANY,

(Seal) By /s/ P. E. SPALDING,  
Attorney-in-Fact.

(Duly Verified.)

[Endorsed]: Filed Nov. 2, 1944.

[113]

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[Title of District Court and Cause No. 525.]

DECLARATION OF TAKING

Whereas, pursuant to the Acts of Congress approved March 27, 1942 (Public Law 507, 77th Congress), and January 28, 1944 (Public Law 224, 78th Congress), the above-styled condemnation proceeding has been instituted.

Now, Therefore, pursuant to the provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421), I, Secretary of the Navy, do hereby make and cause to be filed this declaration of taking, and by virtue of authority thereof do hereby state that the lands selected for acquisition aggregate 216.124 acres, more or less, at Moanalua, Honolulu, Oahu, Territory of Hawaii, more particularly described in Exhibit "A" attached hereto and made a part hereof. The lands are delineated on a map entitled, "Composite Boundary Map,



Portions of the Lands of the Estate of Emma Kaleleonalani, Deceased, at Halawa, Ewa, Oahu, T. H., and the Estate of S. M. Damon, deceased, at Moanalua, Honolulu, Oahu, T. H., "designated as 14th N. D. Dwg. No. OA-N1-942, attached hereto as Exhibit "B" and made a part hereof. [114]

And I do declare said lands to be taken under the authority of the aforesaid Acts of Congress; that the uses to which said lands are to be put are a storage area and a site for Camp Catlin and Fleet School, as authorized by said Acts; and that the estate hereby taken in said lands is a fee simple title, subject to existing public utility, pipe line, irrigation and drainage easements.

And I, Secretary of the Navy, do hereby state that the sum of money estimated by me to be just compensation for said lands and all improvements thereon and appurtenances thereunto belonging is Sixty-five thousand, four hundred four dollars and sixty-five cents (\$65,404.65), which sum is hereby deposited into the registry of the court for the use and benefit of the persons entitled thereto, and that the names of the owners of said property and improvements thereon which are hereby taken are shown on Schedule "A" which is attached hereto and made a part of this declaration of taking.

I am of the opinion that the ultimate award for the taking of said lands will be within the limits prescribed by Congress.

In Witness Whereof, the Petitioner, by and through the Secretary of the Navy, has caused this declaration of taking to be signed and the seal of

the Navy Department to be affixed hereto in the City of Washington, District of Columbia, this fifteenth day of January, 1945.

UNITED STATES  
OF AMERICA,

(Seal) By /s/ JAMES FORRESTAL. [115]

SCHEDULE "A"

The names of the persons having title to or other interest in the lands described in the within declaration of taking, and the amounts estimated to be fair compensation for each respective ownership, including all improvements thereon, are as follows:

Parcel	Name of Owner	Acres	Estimated Just Compensation
D-4	Estate of Samuel M. Damon	87.724	\$ 29,069.12
	Honolulu Plantation Co., Lessee		10,655.53
D-6	Estate of Samuel Damon	128.400	25,680.00
		<hr/>	<hr/>
		216.124	\$ 65,404.65

[Printer's Note: Exhibit "A" (description of land) attached to Declaration of Taking is similar to Exhibit "A" attached to Petition for Condemnation and set out at pages 75-82 of this printed Record.]

[Endorsed]: Filed Feb. 10, 1945.

[116]

In the District Court of the United States  
For the District of Hawaii

Civil No. 525

UNITED STATES OF AMERICA,

Petitioner,

vs.

216.124 ACRES OF LAND, more or less, in Moanalua, Honolulu, Oahu, Territory of Hawaii; John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell, Trustees under the Will and of the Estate of Samuel M. Damon, Deceased, et al.,  
Defendants.

ORDER AND JUDGMENT ON DECLARATION OF TAKING

It appearing that on the 10th day of August, 1944, the United States of America filed a petition for condemnation of certain lands described and shown on Exhibits "A" and "B" attached to Declaration of Taking; and

It further appearing that there was filed on the 10th day of February, 1945, a Declaration of Taking signed by James Forrestal, Secretary of the Navy, under and pursuant to provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421), declaring taken the full fee simple

title, together with all improvements thereon and appurtenances thereunto belonging, as limited in the Declaration of Taking; that the uses of said land and improvements thereon and appurtenances thereunto belonging are those described in the said Declaration of Taking and in the Petition; and that the said Declaration of Taking sets forth the estimate of just compensation made pursuant to law and that contemporaneously with the filing of said Declaration of Taking, there was deposited in the registry of this Court for the use of the [124] persons entitled thereunto the sum of Sixty-five Thousand, Four Hundred Four Dollars and Sixty-five Cents (\$65,404.65),

It Is Ordered, Adjudged and Decreed that by virtue of the filing of said Declaration of Taking and the deposit of said money, fee simple title to the lands described and shown on Exhibits "A" and "B", attached to said Declaration of Taking, including all improvements and appurtenances upon said lands, as limited by the said Declaration of Taking, is indefeasibly vested in the United States of America; and

It Is Further Ordered that a copy of this Order be promptly served by the United States Marshal upon each of the defendants named and upon each and every person, company or corporation in possession of said land at the time possession was surrendered to the petitioner. The Marshal is further ordered to post a copy hereof in a conspicuous

place on the premises and to forthwith make due return of his said service to this Court.

Dated Honolulu, T. H., this 10th day of February, 1945.

/s/ J. FRANK McLAUGHLIN,  
Judge of the United States District Court for the  
District of Hawaii.

[Endorsed]: Filed Feb. 10, 1945.

[125]

In the District Court of the United States  
For the District of Hawaii

April Term 1944

Civil No. 527

UNITED STATES OF AMERICA,

Petitioner,

vs.

93.355 ACRES OF LAND, more or less, in Moanalua, Honolulu, Oahu, Hawaii, John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell, Trustees under the Will and of the Estate of Samuel M. Damon, deceased, et al.,

Defendants.

### PETITION FOR CONDEMNATION

To the Honorable, the Presiding Judges of the  
United States District Court for the District of  
of Hawaii:

Now comes the United States of America, by Charles F. Rathbun and Robert S. Tarney, Special Assistants to the Attorney General, acting under the instructions of the Attorney General of the United States and at the request of the Secretary of Navy of the United States. and respectfully represents to the Court:

#### I.

That this proceeding is instituted under the authority of divers and sundry Acts of Congress, among them the following:



The Act of Congress approved March 27, 1942 (Public Law 507—77th Congress)

The Act of Congress approved January 28, 1944 (Public Law 224—78th Congress)

and that the Secretary of Navy, acting under authority vested in him by law and pursuant to law, has determined that it is necessary to acquire for the United States of America by condemnation, under judicial process, certain land more particularly described in Exhibit "A", hereto annexed and made a part hereof as though set forth at length.

## II.

That the land sought to be condemned is located in Moanalua, Honolulu, Oahu, Territory of Hawaii, and lies wholly within the jurisdiction of the United States District Court for the Territory of Hawaii, together with all improvements thereon and appurtenances thereunto belonging, as described in said Exhibit "A".

## III.

That attached hereto and made a part hereof is a map or plat marked Exhibit "B", delineating said property.

## IV.

That the interest sought to be condemned is the full fee simple title to said land and all improvements thereon and appurtenances thereunto belonging, subject to existing public utility, pipe line, and irrigation and drainage easements and subject to the right of the public to use the boundary roads to the area.

## V.

That the said land and improvements thereon and appurtenances thereunto belonging are to be acquired under the authority of and for the purposes set forth in the various Acts of Congress hereinabove mentioned, and particularly for use as a storage area and in connection with the Naval Air Station, Honolulu, Hawaii.

## IV.

That the interests sought to be condemned is the title in fee simple absolute. [JFMc Amended 3-9-45]

## V.

That the said land is to be acquired under the authority of and for the purposes set forth in the various Acts of Congress hereinabove mentioned, and particularly for use as a storage area and in connection with the Naval Air Station, Honolulu, Hawaii. [JFMc Amended 3-9-45]

## VI.

That John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell, Trustees under the Will and of the Estate of Samuel M. Damon, deceased; Honolulu Plantation Company, Albert Waterhouse, Gretchen Waterhouse, City and County of Honolulu and Territory of Hawaii are the owners of or claim to have some interest in said land.

## VII.

That the Secretary of Navy of the United States has determined that the utmost haste in expediting this project is vital to the War purposes of the

United States and he has therefore determined that immediate [128] possession of said land and all improvements thereon and appurtenances thereunto belonging, to the extent of the interest to be acquired therein, is necessary by the United States and that certain and adequate provisions have been made for the payment of just compensation which may be adjudged due for the condemnation of the land described in said Exhibits "A" and "B", and that the petitioner has been in actual possession of Parcels D-9 and D-10 described and shown in said Exhibits "A" and "B", from and since October 1, 1943 under a right of entry granted by John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell, Trustees under the Will and of the Estate of Samuel M. Damon, deceased; and has likewise been in possession of Parcels D-7 and D-8, described and shown in said Exhibits "A" and "B", under a lease executed between the petitioner and John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell, Trustees under the Will and of the Estate of Samuel M. Damon, deceased, dated May 1, 1942, demising a term beginning on that date, which lease as extended expired June 30, 1944, and that petitioner has remained in possession from the date of expiration of said lease extended until the present time. That by said right of entry, it was provided that in case the Government should undertake to acquire any interest in the premises or any part thereof by condemnation proceedings, that the said

John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell, Trustees under the Will and of the Estate of Samuel M. Damon, deceased, would claim no damages or any interest in any improvements made to the premises by the petitioner, and further providing that the condition of the said premises as of the date of the right of entry should be taken for valuation purposes as the condition of the premises on the date of taking in said proceedings; that it was stipulated and agreed in said lease that on May 1, 1942, the property described herein was unimproved and vacant and that no claim would be made by the lessor for any damages or interest in any improvements placed upon the land by the Government or for any clearing, leveling or utility installations placed thereon by the United States.

Wherefore, your petitioner prays this Honorable Court to take jurisdiction of this cause and to make and enter all orders, judgments and decrees necessary to determine title of said real estate condemned, or any part thereof; and to fix and determine the just compensation due for the condemnation of the aforesaid lands; that the Court adjudge and determine that the immediate possession of said lands be taken to the extent of the interest being acquired herein for the War and Naval purposes of the United States; that upon payment into the registry of this Court for the United States for the use of the persons entitled thereto the sum adjudged to be full compensation for the said condemnation of said land, that in said lands there

be vested in the United States of America title in fee simple absolute; and that the Court make distribution of the final awards among the persons entitled thereto as expeditiously as may be and for such other and further relief as to the Court may seem just and proper in the premises.

UNITED STATES  
OF AMERICA,

By /s/ CHARLES F. RATHBUN,  
Special Asst. to the Atty. Gen.

By /s/ ROBERT S. TARNAY,  
Special Asst. to the Atty. Gen.

(Duly Verified.)

[130]

EXHIBIT "A"

PARCEL D-7

Being a portion of Lot C of Land Court Application  
1074 at Moanalua, Honolulu, Oahu, T. H.

Beginning at the Northeast corner of this parcel of land, on the new makai line of Dillingham Boulevard, said line established by Territory of Hawaii Condemnation Law No. 17049, filed June 19, 1943, and the co-ordinates of said point of beginning referred to Government Survey Triangulation Station "Salt Lake" being 9396.08 feet South and 3763.31 feet West and thence running by azimuths measured clockwise from True South:

1.  $9^{\circ} 07'$ —1361.60 feet along Lots B-484 to B-493 (inclusive) of Land Court Application 1074;
2.  $97^{\circ} 19'$ —1809.23 feet along the remainder of



- Lot C of Land Court Application 1074, along  
Parcels D-11, D-10 and D-8;
3.  $186^{\circ} 35' 30''$ —39.65 feet along the remainder  
of Lot C of Land Court Application 1074,  
along the East side of Territory of Hawaii  
Project No. DA-NR 10 (2), the same being  
established by Territory of Hawaii Condemna-  
tion Law No. 17194, filed November 26, 1943;
  4.  $189^{\circ} 03' 20''$ —1329.58 feet along the remain-  
der of Lot C of Land Court Application 1074,  
along the East side of Territory of Hawaii  
Project No. DA-NR 10 (2), the same being  
established by Territory of Hawaii Condemna-  
tion Law No. 17194, filed November 26, 1943;
  5. Thence along the remainder of Lot C of Land  
Court Application 1074, along Territory of  
Hawaii Project No. DA-NR 10 (2), the same  
being established by Territory of Hawaii Con-  
demnation Law No. 17194, filed November 26,  
1943, on a curve to the right with a radius of  
50.00 feet, the direct azimuth and distance be-  
ing  $234^{\circ} 03' 20''$  70.71 feet: [131]
  6.  $279^{\circ} 03' 20''$ —1761.44 feet along the new makai  
line of Dillingham Boulevard, said line estab-  
lished by Territory of Hawaii Condemnation  
Law No. 17049, filed June 19, 1943 to the point  
of beginning and containing an area of 57.728  
Acres.

Honolulu, T. H. July 24, 1944.

WRIGHT, HARVEY &  
WRIGHT,

By /s/ FRED E. HARVEY,  
Surveyor.

[132]



## PARCEL D-8

Being a portion of Lot C of Land Court Application 1074 at Moanalua, Honolulu, Oahu, T. H.

Beginning at the Northeast corner of this parcel of land, being also the Northwest corner of Parcel D-10, the co-ordinates of said point of beginning referred to Government Survey Triangulation Station "Salt Lake" being 10,673.43 feet South and 5401.24 feet West and thence running by azimuths measured clockwise from True South:

1.  $9^{\circ} 07'$ —600.00 feet along the remainder of Lot C of Land Court Application 1074, along Parcel D-10;
2.  $97^{\circ} 19'$ —1153.64 feet along the remainder of Lot C of Land Court Application 1074, along Parcel D-9;
3.  $189^{\circ} 03' 20''$ —58.55 feet along the remainder of Lot C of Land Court Application 1074, along the East side of Territory of Hawaii Project No. DA-NR 10 (2), the same being established by Territory of Hawaii Condemnation Law No. 17194, filed November 26; 1943;
4. Thence along the remainder of Lot C of Land Court Application 1074, along Territory of Hawaii Project No. DA-NR 10 (2), the same being established by Territory of Hawaii Condemnation Law No. 17194, filed November 26, 1943, on a curve to the right with a radius of 109-91 feet, the direct azimuth and distance being  $142^{\circ} 49' 25''$  152.06 feet;
5.  $186^{\circ} 35' 30''$ —432.74 feet along the remainder

- of Lot C of Land Court Application 1074, along the East side of Territory of Hawaii Project No. DA-NR 10 (2), the same being established by Territory of Hawaii Condemnation Law No. 17194, filed November 26, 1943;
6.  $277^{\circ} 19'$ —1282.75 feet along the remainder of Lot C of Land Court Application 1074, along Parcel D-7 to the point of beginning and containing an area of 17.281 Acres.

Honolulu, T. H. July 24, 1944.

WRIGHT, HARVEY &  
WRIGHT,

By /s/ FRED E. HARVEY,  
Surveyor.

[133]

PARCEL D-9

Being a portion of Lot C of Land Court Application 1074 At Moanalua, Honolulu, Oahu, T. H.

Beginning at the Northeast corner of this parcel of land, the co-ordinates of said point of beginning referred to Government Survey Triangulation Station "Salt Lake" being 11,265.85 feet South and 4596.31 feet West and thence running by azimuths measured clockwise from True South:

1.  $9^{\circ} 07'$ —252.35 feet along the remainder of Lot C of Land Court Application 1074, along Parcel D-10;
2.  $46^{\circ} 30' 30''$ —288.98 feet along John Rodgers Airport;
3.  $90^{\circ} 00'$ —1048.80 feet along United States Military Reservation;

4.  $180^{\circ} 00'$ —563.89 feet along United States Military Reservation;
5. Thence along the remainder of Lot C of Land Court Application 1074, along Territory of Hawaii Project No. DA-NR 10 (2), the same being established by Territory of Hawaii Condemnation Law No. 17194, filed November 26, 1943, on a curve to the right with a radius of 804.51 feet, the direct azimuth and distance being  $273^{\circ} 46' 30''$  148.08 feet;
6.  $189^{\circ} 03' 20''$ —41.45 feet along the remainder of Lot C of Land Court Application 1074, along the East side of Territory of Hawaii Project No. DA-NR 10 (2), the same being established by Territory of Hawaii Condemnation Law No. 17194, filed November 26, 1943;
7.  $277^{\circ} 19'$ —1153.64 feet along the remainder of Lot C of Land Court Application 1074, along Parcel D-8 to the point of beginning and containing an area of 14.914 Acres.

Honolulu, T. H. July 25, 1944.

WRIGHT, HARVEY &  
WRIGHT,

By /s/ FRED E. HARVEY,  
Surveyor.

[134]

## PARCEL D-10

Being a portion of Lot C of Land Court Application 1074 At Moanalua, Honolulu, Oahu, T. H.

Beginning at the Northwest corner of this parcel of land, being also the Northeast corner of Parcel D-8, the co-ordinates of said point of beginning referred to Government Survey Triangulation Station "Salt Lake" being 10,673.43 feet South and 4501.24 feet West and thence running by azimuths measured clockwise from True South:

1.  $277^{\circ} 19'$ —225.37 feet along the remainder of Lot C of Land Court Application 1074, along Parcel D-7;
2.  $9^{\circ} 07'$ —509.78 feet along the remainder of Lot C of Land Court Application 1074, along Parcel D-11;
3.  $99^{\circ} 07'$ —97.70 feet along the remainder of Lot C of Land Court Application 1074, along Parcel D-11;
4.  $9^{\circ} 07'$ —255.44 feet along the remainder of Lot C of Land Court Application 1074, along Parcel D-11;
5.  $122^{\circ} 30' 30''$ —45.49 feet along John Rodgers Airport;
6.  $46^{\circ} 30' 30''$ —141.32 feet along John Rodgers Airport;
7.  $189^{\circ} 07'$ —852.35 feet along the remainder of

Lot C of Land Court Application 1074, along  
Parcels D-9 and D-8 to the point of beginning  
and containing an area of 3.432 Acres.

WRIGHT, HARVEY &  
WRIGHT,

By /s/ FRED E. HARVEY,  
Surveyor.

Honolulu, T. H. July 24, 1944.

[Endorsed]: Filed Aug. 28, 1944.

[135]

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[Title of District Court and Cause No. 527.]

### DECLARATION OF TAKING

Whereas, pursuant to the Acts of Congress approved March 27, 1942 (Public Law 507, 77th Congress), and January 28, 1944 (Public Law 224, 78th Congress), the above-styled condemnation proceeding has been instituted.

Now, Therefore, pursuant to the provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421), I, Secretary of the Navy, do hereby make and cause to be filed this declaration of taking, and by virtue of authority thereof do hereby state that the lands selected for acquisition aggregate 93.355 acres, more or less, at Moanalua, Honolulu, Oahu, Hawaii, more particularly described in Exhibit "A" attached hereto and made a part hereof. The lands are delineated on a map entitled, "Composite Boundary Map, Portions of the



Lands of the Estate of Emma Kaleleonalani, Deceased, at Halawa, Ewa, Oahu, T. H., and the Estate of S. M. Damon, Deceased, at Moanalua, Honolulu, Oahu, T. H.," designated as 14th N. D. Dwg. No. OA-N1-942, attached hereto as Exhibit "B" and made a part hereof. [137]

And I do declare said lands to be taken under the authority of the aforesaid Acts of Congress; that the use to which said lands are to be put is a storage area for use in connection with the Naval Air Station, Honolulu, Hawaii, as authorized by said Acts; and that the estate hereby taken in said lands is title in fee simple absolute.

And I, Secretary of the Navy, do hereby state that the sum of money estimated by me to be just compensation for said lands and all improvements thereon and appurtenances thereunto belonging is Forty-four thousand, eight hundred and ten dollars and forty cents (\$44,810.40), which sum is hereby deposited into the registry of the court for the use and benefit of the persons entitled thereto, and that the names of the owners of said property and improvements thereon which are hereby taken are shown on Schedule "A" which is attached hereto and made a part of this declaration of taking.

I am of the opinion that the ultimate award for the taking of said lands will be within the limits prescribed by Congress.

In Witness Whereof, the Petitioner, by and through the Secretary of the Navy, has caused this



declaration of taking to be signed and the seal of the Navy Department to be affixed hereto the thirteenth day of February, 1945, in the City of Washington, District of Columbia.

UNITED STATES  
OF AMERICA,

(Seal) By /s/ RALPH A. BARD,  
Acting Secretary of the Navy.

SCHEDULE "A"

The names of the persons having title to or other interest in the lands described in the within declaration of taking, and the amounts estimated to be fair compensation for each respective ownership, including all improvements thereon, are as follows:

Parcel	Name of Owner	Acres	Estimated Just Compensation
D-7	Samuel M. Damon Estate	57.728	\$ 44,810.40
D-8	" "	17.281	
<b>D-9</b>	" "	14.914	
<b>D-10</b>	" "	3.432	
Totals		93.355	\$ 44,810.40

[Printer's Note: Exhibit "A" (description of land) attached to Declaration of Taking is similar to Exhibit "A" attached to Petition for Condemnation and set out at pages 95 to 100 of this printed Record.]

[Endorsed]: Filed Mar. 9, 1945. [139]

In the District Court of the United States  
for the District of Hawaii

October Term 1944

Civil No. 527

UNITED STATES OF AMERICA,

Petitioner,

vs.

93.355 ACRES OF LAND, more or less, in Moanalua, Honolulu, Oahu, Hawaii, John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell, Trustees under the Will and of the Estate of Samuel M. Damon, deceased, et al.,

Defendants.

## ORDER AND JUDGMENT ON DECLARATION OF TAKING

It appearing that on August 28, 1944, the United States of America filed a petition for condemnation of certain lands described and shown on Exhibits "A" and "B", attached to the Declaration of Taking; and

It further appearing that there was filed on the 9th day of March, 1945, a Declaration of Taking signed by James Forrestal, Secretary of the Navy, under and pursuant to provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421), declaring taken the title in fee simple absolute: that the uses of said land are those described in the said Declaration of Taking and in the Peti-

tion; and that the said Declaration of Taking sets forth the estimate of just compensation made pursuant to law and that contemporaneously with the filing of said Declaration of Taking, there was deposited in the registry of this Court for the use of the persons entitled thereunto the sum of Forty-four Thousand Eight Hundred Ten and 40/100 Dollars (\$44,810.40),

It is ordered, adjudged and decreed that by virtue of the filing of said Declaration of Taking and the deposit of said money, title in fee simple [147] absolute to the lands described and shown on Exhibits "A" and "B", attached to the said Declaration of Taking, is indefeasibly vested in the United States of America; and

It is further ordered that a copy of this Order be promptly served by the United States Marshal upon each of the defendants named and upon each and every person, company or corporation in possession of said land at the time possession was surrendered to the petitioner. The Marshal is further ordered to post a copy hereof in a conspicuous place on the premises and to forthwith made due return of his said service to this Court.

Dated: Honolulu, T. H., this 9th day of March, 1945.

/s/ J. FRANK McLAUGHLIN,  
Judge of the United States District Court for the  
District of Hawaii.

[Endorsed]: Filed Mar. 9, 1945. [148]

[Title of District Court and Cause No. 527.]

ANSWER OF HONOLULU PLANTATION  
COMPANY

ONE OF THE DEFENDANTS ABOVE NAMED

Comes now Honolulu Plantation Company, a corporation, organized under the laws of the State of California, and doing business in the Territory of Hawaii, one of the defendants in the above entitled cause, and for answer to the petition filed herein says:

I.

That it has neither knowledge or information sufficient to form a belief as to the allegations set forth and contained in Paragraphs I, III, IV, V, VI and VII of said petition, and therefore it neither admits nor denies the same but leaves the petitioner to its proof thereof.

II.

That it admits the allegations contained in Paragraph II of said petition.

III.

That with respect to the allegations of said petition that it claims an interest in the property described in said petition this defendant admits the same and alleges that at the time of the [150] filing of said petition and until judgment or order was entered on declaration of taking filed in said causes it was the owner of an interest in the lands and in some of the improvements thereon and also admits that its lessor has an interest in the lands described in said petition which are under lease to this de-

fendant; that the lease creating such interest and estate will be submitted to the Court on the trial of said causes.

And this defendant further alleges as follows:

That for and during a period of over forty years this defendant has been continuously operating and conducting and is now operating and conducting a sugar mill and plantation at Aiea in the District of Ewa, Island of Oahu, T. H., and has been at all times during said period and now is engaged in the business of growing sugar cane and manufacturing sugar therefrom;

That most of the acreage of land taken, by reason of the fertility of the soil thereon, their low elevation, and the comparatively small expense with which they can be irrigated, is peculiarly adapted to the cultivation and growth of sugar cane, and that this defendant was at the time of the filing of the petition in this cause and until the date fixed for the surrendering of possession by the judgment or order on the Declaration of Taking entered in this cause and for many years prior thereto had been profitably using said lands for the cultivation and growth of sugar cane;

That the lands included within the area sought to be condemned which are held by this defendant under lease as aforesaid have a special and enhanced value by reason of the establishment by this defendant of a sugar mill and works, in close proximity to said lands, for the manufacture of sugar from cane grown and cultivated thereon and



on other lands owned and/or leased by this defendant and by reason of the development by this defendant of a water supply [151] for the irrigation of said lands, and other lands as aforesaid by means of artesian wells, pumping machinery and otherwise;

That for the purpose of cultivating the sand lands, this defendant has constructed improvements thereon;

That the parcel of land sought to be condemned by said petition in which this defendant has leasehold interest was at the time of the filing of the said petition in this cause and until judgment or order was entered on Declaration of Taking filed in this cause, and for many years prior thereto had been, occupied and cultivated by this defendant as integral parts of the sugar plantation operated and conducted by it at Aiea aforesaid and in connection with other large and contiguous tracts situated outside of the lands described in said petition but comprised within the said plantation and demised to this defendant by a number of leases and that by the taking of said lands described in the said petitions the integrity of said sugar plantation will be destroyed and the unitary value of the leasehold interests and estates of this defendant in such other and contiguous tracts of land will be greatly impaired and diminished.

Wherefore this defendant prays (1) that the damages suffered by this defendant by reason of the taking of the lands and properties described



in said petitions may be determined and the amount thereof be awarded to and paid to this defendant, and (2) for such other and general relief as may be meet and proper in the premises.

Dated: Honolulu, T. H., June 18, 1946.

HONOLULU PLANTATION  
COMPANY,

By VITOUSEK, PRATT & WINN,  
Its Attorneys,  
Defendant above named.

[Endorsed]: Filed June 18, 1946. [152]

In the District Court of the United States  
for the District of Hawaii

April Term 1944

Civil No. 529

UNITED STATES OF AMERICA,

Petitioner,

vs.

344.893 ACRES OF LAND, more or less, at Manana and Waiawa, Ewa, Oahu, Territory of Hawaii; Oahu Railway and Land Company, an Hawaiian Corporation, et al.,

Defendants.

### PETITION FOR CONDEMNATION

To the Honorable, the Presiding Judges of the United States District Court for the District of Hawaii.

Now comes the United States of America, by Robert S. Tarnay, Special Assistant to the Attorney General, acting under the instructions of the Attorney General of the United States and at the request of the Secretary of Navy and respectfully represents to the Court

#### I.

That this proceeding is instituted under the authority of divers and sundry acts of Congress, among them the following:

The Act of Congress approved March 27, 1942  
(Public Law 507—77th Congress)

The Act of Congress approved April 28, 1942  
(Public Law 528—77th Congress)

The Act of Congress approved June 26, 1943  
(Public Law 92—78th Congress)

and that the Secretary of Navy, acting under authority vested in him by law has determined that it is necessary that the United States of America acquire by condemnation by judicial process certain land, more particularly described in Exhibit "A", hereto annexed and made a part hereof as though set forth at length and shown upon the map marked Exhibit "B", also attached hereto. [154]

## II.

That the lands sought to be condemned are located at Manana and Waiawa, Ewa, Oahu. T. H., and lie wholly within the jurisdiction of this Court.

## III.

That the interests sought to be condemned in this action are as follows:

Parcels A-1, A-2, A-3, A-4, A-5, A-6, B-1, B-2, C-1 and C-2, described and shown on Exhibits "A" and "B"—full fee simple title and all improvements thereon and appurtenances thereunto belonging;

Parcel B-3, described and shown on Exhibits "A" and "B"—fee simple title to said land and all improvements thereon and appurtenances thereunto belonging, subject to public utility and pipeline easements and irrigation and drainage rights-of-way, if any, and also subject to the right of the public to use the boundary roads of the area;

Parcels A-7, A-8, A-9, A-10, B-4, B-5, B-6, B-7, B-8, B-9, E-1, E-2, E-3, E-4, E-5, F-1, F-2 and T-1, described and shown on Exhibits "A" and "B"—

fee simple title to said land and all improvements thereon and appurtenances thereunto belonging, subject to public utility, pipeline irrigation and drainage easements, and railroad easements, if any, and subject also to the right of the public to use the road delineated as Parcel B-7 and described and shown on Exhibits "A" and "B", attached hereto.

#### IV.

That the said land and improvements thereon and appurtenances thereunto belonging are to be acquired under the authority [155] of and for the purposes set forth in the various acts of Congress, hereinabove mentioned and particularly for use in connection with the Manana Construction Battalion Camp and Storage Area.

#### V.

That the Oahu Railway and Land Company, an Hawaiian corporation, the Hawaiian Land and Improvement Company, an Hawaiian corporation; George Miles Collins, John Kirkwood Clarke, Frank Elbert Midkiff, Edwin Puahaulani Murray, and Joseph Boyd Poindexter, Trustees of the Estate of Bernice P. Bishop, deceased; A. Lester Marks, Elizabeth Loy Marks, and Elizabeth Janet Cartwright McCandless, Trustees under the Will and Estate of L. L. McCandless, deceased; A. Lester Marks, Executor of the Estate of L. L. McCandless, deceased; and Bishop Trust Company, Ltd., an Hawaiian corporation, Administrator with the Will Annexed of the Estate of L. L. McCandless, deceased; Territory of Hawaii, City and

County of Honolulu; Honolulu Plantation Company, an Hawaiian corporation; the Hawaiian Land & Trust Company, Ltd., Honolulu, T. H., Trustee under the Will and of the Estate of Kahanu Meek, deceased; B. Nishioka, Meleiton Burduso, Temotio T. Tantel, Nonelon Balomalake, Semion Sapoan, Stanley Shimabukuro, K. Shimabukuro, Shiko Toma, Shizen Toma, Labuno Yamashiro, Kiki Asato, Tsumosuke Ishikawa, Kichini Yaboku, and Joseph Carvalho are the owners of, or claim to have some interest in, said land.

## VI.

That the Secretary of Navy of the United States has determined that the utmost haste in expediting this project is vital to the war purposes of the United States and he has, therefore, determined that immediate possession of Parcels B-4, B-5, B-6, B-7, B-8, A-7, A-8, A-9 and T-1 and all improvements thereon and appurtenances thereunto belonging, to the extent of the interest to be acquired therein, is necessary by the United [156] States and that certain and adequate provisions have been made for the payment of just compensation which may be adjudged due for the condemnation of the land described in and shown on said Exhibits "A" and "B".

That the Petitioner, under rights of entry, occupied two parts of Parcels B-3, thought at the time of the granting of said rights of entry to aggregate approximately five acres and fifty acres and subsequently found, upon survey, to aggregate in fact 7.84 and 56.96 acres, and Petitioner has been



in possession of said parts of Parcel B-3 from and since March 8, 1943 and February 12, 1944, respectively.

That the Petitioner has been in possession of Parcels A-1, A-3, A-4, A-5, A-6, B-1, B-2, C-1 and C-2 from and since April 20, 1944 under rights of entry.

That the Petitioner has been in possession of Parcels B-9, E-1, E-2, E-3, E-4, E-5, F-1 and F-2 from and since July 3, 1944 under rights of entry.

That the Petitioner has been in possession of Parcels A-2 and A-10 from and since June 17, 1942, under lease between the Petitioner and the Honolulu Plantation Company, dated June 17, 1942.

Wherefore, your Petitioner prays this Honorable Court to take jurisdiction of this cause and enter all orders, judgments and decrees necessary to determine title of said real estate condemned, or any part thereof, and to fix and determine that the continued possession of the lands identified in paragraph VI is necessary for the War and Naval purposes of the United States and that the immediate possession of the lands also identified in paragraph VI is likewise necessary for the War and Naval purposes of the United States; that upon payment into the registry of this Court for the use of the persons entitled thereunto of the sum adjudged to be full compensation for the [157] condemnation of said land, that title to said land be vested in the United States of America in fee simple, subject to the exceptions set forth in Paragraph III, and that the Court make distribution

of the final awards among the persons entitled thereto as expeditiously as may be and for such other and further relief as to the Court may seem just and proper in the premises.

UNITED STATES OF  
AMERICA,

By /s/ ROBERT S. TARNAY,  
Special Assistant to the  
Attorney General.

(Duly Verified.) [158]

EXHIBIT "A"

PARCEL A-1

Land Situated at Manana Uka, Ewa, Oahu, T. H.

Being a Portion of Grant 2060 to J. Raymond and L. Bernard.

Beginning at a pipe at the South corner of this parcel of land, being also the East corner of Parcel A-6, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 938.04 feet North and 2,918.36 feet East, and running by azimuths measured clockwise from true South.

1.  $110^{\circ} 19' 30''$ —203.83 feet along Parcel A-6, being also a remainder of Grant 2060 to J. Raymond and L. Bernard;
2.  $131^{\circ} 41'$ —671.91 feet along Parcel B-1, being also a portion of L. C. Aw. 7713, Apana 48 to V. Kamamalu;

3. 188° 06'—1254.00 feet along Parcel B-1, the land of Waiawa, L. C. Aw. 7713, Apana 46 to V. Kamamalu;
4. 188° 14'—717.29 feet along Parcel B-1, the land of Waiawa, L. C. Aw. 7713, Apana 46 to V. Kamamalu;
5. 292° 00'—1373.33 feet along a remainder of Grant 2060 to J. Raymond and L. Bernard and along Parcel A-9, being also a remainder of Grant 2060 to J. Raymond and L. Bernard, to a pipe;
6. 22° 00'—457.26 feet along Parcel A-2, being also a remainder of Grant 2060 to J. Raymond and L. Bernard, to a pipe;
7. 292° 00'—435.00 feet along Parcel A-2, being also a remainder of Grant 2060 to J. Raymond and L. Barnard, to a pipe;
8. 22° 00'—967.74 feet along Parcels A-4 and A-3, being also remainders of [159] Grant 2060 to J. Raymond and L. Bernard;
9. 112° 00'—60.00 feet along Parcel C-1, being also a remainder of Grant 2060 to J. Raymond and L. Bernard;
10. 22° 00'—225.00 feet along Parcel C-1, being also a remainder of Grant 2060 to J. Raymond and L. Bernard;
11. 112° 00'—440.00 feet along a remainder of Grant 2060 to J. Raymond and L. Bernard;
12. 22° 00'—484.33 feet along a remainder of Grant 2060 to J. Raymond and L. Bernard to

the point of beginning and containing a gross area of 63.893 acres and a net area of 62.852 acres, after excluding Exclusion 1 hereinafter described, and as delineated on 14th Naval District Drawing No. OA-N1-939.

Subject to Easements 1 and 2 hereinafter described, said easements being delineated on the aforesaid drawing.

### EXCLUSION 1

#### City and County Reservoir Lot

Being a Portion of Grant 2060 to J. Raymond and L. Bernard.

Beginning at a pipe at the East corner of this parcel of land, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 2,501.80 feet North and 3,418.00 feet East, and running by azimuths measured clockwise from true South:

1.  $22^{\circ} 00'$ —101.00 feet along a remainder of Grant 2060 to J. Raymond and L. Bernard to a pipe;
2.  $51^{\circ} 20'$ —170.00 feet along a remainder of Grant 2060 to J. Raymond and L. Bernard to a pipe;
3.  $141^{\circ} 20'$ —169.96 feet along a remainder of Grant 2060 to J. Raymond and L. Bernard to a pipe;
4.  $202^{\circ} 00'$ —165.93 feet along a remainder of Grant 2060 to J. Raymond and L. Bernard to a pipe;

5.  $292^{\circ} 00'$ —231.45 feet along a remainder of Grant 2060 to J. Raymond and L. Bernard to the point of beginning and containing an area of 1.041 acres, and as delineated on 14th Naval District Drawing No. OA-N1-939. [161]

### PARCEL A-2

Land Situated at Manana Uka, Ewa, Oahu, T. H.

Being a portion of Grant 2060 to J. Raymond and L. Bernard.

Beginning at a pipe at the South corner of this parcel of land, being also the North corner of Parcel A-4 and the West corner of Parcel A-5, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 2,305.69 feet North and 4,010.18 feet East, and running by azimuths measured clockwise from true South:

1.  $112^{\circ} 00'$ —435.00 feet along Parcel A-1, being also a remainder of Grant 2060 to J. Raymond and L. Bernard, to a pipe;
2.  $202^{\circ} 00'$ —457.26 feet along Parcel A-1, being also a remainder of Grant 2060 to J. Raymond and L. Bernard, to a pipe;
3.  $292^{\circ} 00'$ —435.00 feet along Parcel A-10, being also a remainder of Grant 2060 to J. Raymond and L. Bernard, to a pipe;
4.  $22^{\circ} 00'$ —457.26 feet along Parcel A-5, being also a portion of Grant 2060 to J. Raymond and L. Bernard, to the point of beginning and



containing an area of 4.566 acres, and as delineated on 14th Naval District Drawing No. OA-N1-939. [162]

### PARCEL A-3

Land Situated at Manana Uka, Ewa, Oahu, T. H.

Being a Portion of Grant 2060 to J. Raymond and L. Bernard.

Beginning at the North corner of this parcel of land, being also the West corner of Parcel A-4 and on the Easterly boundary of Parcel A-1, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 2,268.60 feet North and 3,995.20 feet East, and running by azimuths measured clockwise from true South:

1.  $292^{\circ} 00'$ —10.00 feet along Parcel A-4, being also a remainder of Grant 2060 to J. Raymond and L. Bernard;
2.  $22^{\circ} 00'$ —927.74 feet along the West side of Waimano Home Road;
3.  $112^{\circ} 00'$ —10.00 feet along Parcel C-2, being also a remainder of Grant 2060 to J. Raymond and L. Bernard;
4.  $202^{\circ} 00'$ —927.74 feet along Parcel A-1, being also a remainder of Grant 2060 to J. Raymond and L. Bernard, to the point of beginning and containing an area of 9,277 square feet, and as delineated on 14th Naval District Drawing No. OA-N1-939. [163]

## PARCEL A-4

Land Situated at Manana Uka, Ewa, Oahu, T. H.

Being a Portion of Grant 2060 to J. Raymond and L. Bernard.

Beginning at a pipe at the North corner of this parcel of land, being also the East corner of Parcel A-1, the South corner of Parcel A-2 and the West corner of Parcel A-5, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 2,305.69 feet North and 4,010.18 feet East, and running by azimuths measured clockwise from true South:

1. 292° 00'—10.00 feet along Parcel A-5, being also a remainder of Grant 2060 to J. Raymond and L. Bernard;
2. 22° 00'—40.00 feet along the West side of Wai-mano Home Road;
3. 112° 00'—10.00 feet along Parcel A-3, being also a remainder of Grant 2060 to J. Raymond and L. Bernard;
4. 202° 00'—40.00 feet along Parcel A-1, being also a remainder of Grant 2060 to J. Raymond and L. Bernard, to the point of beginning, and containing an area of 400 square feet, and as delineated on 14th Naval District Drawing No. OA-N1-939. [164]

## PARCEL A-5

Land Situated at Manana Uka, Ewa, Oahu, T. H.

Being a Portion of Grant 2060 to J. Raymond and L. Bernard.

Beginning at a pipe at the West corner of this parcel of land, being also the East corner of Parcel A-1, the South corner of Parcel A-2 and the North corner of Parcel A-4, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 2,305.69 feet North and 4,010.18 feet East, and running by azimuths measured clockwise from true South:

1.  $202^{\circ} 00'$ —457.26 feet along Parcel A-2, being also a remainder of Grant 2060 to J. Raymond and L. Bernard to a pipe;
2.  $292^{\circ} 00'$ —10.00 feet along a remainder of Grant 2060 to J. Raymond and L. Bernard;
3.  $22^{\circ} 00'$ —457.26 feet along the West side of Waimano Home Road;
4.  $112^{\circ} 00'$ —10.00 feet along Parcel A-4, being also a remainder of Grant 2060 to J. Raymond and L. Bernard, to the point of beginning and containing an area of 4,573 square feet, and as delineated on 14th Naval District Drawing No. OA-N1-939. [165]

## PARCEL A-6

Land Situated on the Northeast Side of Kamahameha Highway at Manana Uka,  
Ewa, Oahu, T. H.

Being a Portion of Grant 2060 to J. Raymond and L. Bernard.

Beginning at a pipe at the East corner of this parcel of land, being also the South corner of Parcel A-1, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 938.04 feet North and 2,918.36 feet East, and running by azimuths measured clockwise from true South:

1.  $22^{\circ} 00'$ —42.02 feet along a remainder of Grant 2060 to J. Raymond and L. Bernard;
2.  $110^{\circ} 19' 30''$ —95.20 feet along the Northeast side of Kamehameha Highway;
3.  $131^{\circ} 41'$ —115.32 feet along Parcel B-2, being also along L. C. Aw. 7713, Apana 48 to V. Kamamahu;
4.  $290^{\circ} 19' 30''$ —203.83 feet along Parcel A-1, being also a remainder of Grant 2060 to J. Raymond and L. Bernard, to the point of beginning and containing an area of 6,280 square feet, and as delineated on the 14th Naval District Drawing No. OA-N1-939. [166]

## PARCEL A-7

Land Situated at Manana Uka, Ewa, Oahu, T. H.

Being a Portion of Grant 2060 to J. Raymond and L. Bernard.

Beginning at a pipe at the West corner of this parcel of land, also the North corner of Parcel A-5, the East corner of Parcel A-2 and the South corner of Parcel A-10, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 2,729.65 feet North and 4,181.47 feet East, and running by azimuths measured clockwise from true South.

1. 202° 00'—659.80 feet along Parcel A-10, being also a remainder of Grant 2060 to J. Raymond and L. Bernard;
2. 292° 00'—10.00 feet along Parcel A-8, being also a remainder of Grant 2060 to J. Raymond and L. Bernard;
3. 22° 00'—659.80 feet along the West side of Waimano Home Road;
4. 112° 00'—10.00 feet along Parcel A-5, being also a remainder of Grant 2060 to J. Raymond and L. Bernard, to the point of beginning and containing an area of 6,598 square feet, and as delineated on 14th Naval District Drawing No. OA-N1-939. [167]



## PARCEL A-8

Land Situated at Manana Uka, Ewa, Oahu, T. H.

Being a Portion of Grant 2060 to J. Raymond and L. Bernard.

Beginning at a pipe at the North corner of this parcel of land, being also the East corner of Parcel A-9, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 3,656.65 feet North and 4,556.01 feet East, and running by azimuths measured clockwise from true South:

1.  $292^{\circ} 00'$ —10.00 feet along a remainder of Grant 2060 to J. Raymond and L. Bernard;
2.  $22^{\circ} 00'$ —340.00 feet along the West side of Waimano Home Road;
3.  $112^{\circ} 00'$ —10.00 feet along Parcel A-7, being also a remainder of Grant 2060 to J. Raymond and L. Bernard;
4.  $202^{\circ} 00'$ —340.00 feet along Parcel A-9, being also a remainder of Grant 2060 to J. Raymond and L. Bernard, to the point of beginning and containing an area of 3,400 square feet, and as delineated on 14th Naval District Drawing No. OA-N1-939. [168]

## PARCEL A-9

Land Situated at Manana Uka, Ewa, Oahu, T. H.

Being a Portion of Grant 2060 to J. Raymond and L. Bernard.

Beginning at a pipe at the East corner of this parcel of land, being also the North corner of Parcel A-8, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 3,656.65 feet North and 4,556.01 feet East, and running by azimuths measured clockwise from true South:

1.  $22^{\circ} 00'$ —340.00 feet along Parcel A-8, being also a remainder of Grant 2060 to J. Raymond and L. Bernard;
2.  $112^{\circ} 00'$ —435.00 feet along Parcel A-10, being also a remainder of Grant 2060 to J. Raymond and L. Bernard;
3.  $22^{\circ} 00'$ —659.80 feet along Parcel A-10, being also a remainder of Grant 2060 to J. Raymond and L. Bernard, to a pipe;
4.  $112^{\circ} 00'$ —1239.58 feet along Parcel A-1, being also a remainder of Grant 2060 to J. Raymond and L. Bernard, to a pipe;
5.  $202^{\circ} 00'$ —115.35 feet along a remainder of Grant 2060 to J. Raymond and L. Bernard to a pipe;
6.  $212^{\circ} 40'$ —900.00 feet along a remainder of Grant 2060 to J. Raymond and L. Bernard to a pipe;

7.  $292^{\circ} 00'$ —1508.00 feet along a remainder of Grant 2060 to J. Raymond and L. Bernard to the point of beginning and containing an area of 30.155 acres, and as delineated on 14th Naval District Drawing No. OA-N1-939. [169]

### PARCEL A-10

Land Situated at Manana Uka, Ewa, Oahu, T. H.

Being a Portion of Grant 2060 to J. Raymond and L. Bernard.

Beginning at a pipe at the South corner of this parcel of land, being also the East corner of Parcel A-2, the North corner of Parcel A-5 and the West corner of Parcel A-7, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 2,729.65 feet North and 4,181.47 feet East, and running by azimuths measured clockwise from true South:

1.  $112^{\circ} 00'$ —435.00 feet along Parcel A-2, being also a remainder of Grant 2060 to J. Raymond and L. Bernard, to a pipe;
2.  $202^{\circ} 00'$ —659.80 feet along Parcel A-9, being also a remainder of Grant 2060 to J. Raymond and L. Bernard;
3.  $292^{\circ} 00'$ —435.00 feet along Parcel A-9, being also a remainder of Grant 2060 to J. Raymond and L. Bernard;
4.  $22^{\circ} 00'$ —659.80 feet along Parcel A-7, being also a remainder of Grant 2060 to J. Raymond and L. Bernard, to the point of beginning and

containing an area of 6.589 acres, and as delineated on 14th Naval District Drawing No. OA-N1-939.

/s/ R. M. TOWILL,

Registered Professional Surveyor, Certificate Number 151.

Honolulu, T. H., August 22, 1944. [170]

### PARCEL B-1

Land Situated at Manana Iki and Waiwa, Ewa,  
Oahu, T. H.

Being a Portion of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu and a Portion of Royal Patent 4475, Land Commission Award 7713, Apana 48 to V. Kamamalu.

Beginning at a pipe at the Southwest corner of this parcel of land, being also the North corner of Parcel B-2, and on the new Northeast side of Kamahameha Highway, the coordinates of which referred to Government Survey of Triangulation Station "Ewa Church" being 1,207.78 feet North and 2,190.14 feet East, and running by azimuths measured clockwise from true South:

1.  $188^{\circ} 06'$ —55.33 feet along a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu; thence following along the middle of railroad track along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, for the next eight (8) courses; on a curve to the

left, with a radius of 260.54 feet, the chord azimuth and distance being,

2.  $121^{\circ} 47' 13''$ —143.22 feet;
3.  $105^{\circ} 50'$ —143.10 feet; thence on a curve to the right, with a radius of 309.79 feet, the chord azimuth and distance being,
4.  $130^{\circ} 45'$ —261.03 feet;
5.  $155^{\circ} 40'$ —281.50 feet; [171] thence on a curve to the left, with a radius of 521.07 feet, the chord azimuth and distance being,
6.  $145^{\circ} 28'$ —184.55 feet;
7.  $135^{\circ} 16'$ —491.60 feet; thence on a curve to the left, with a radius of 286.57 feet, the chord azimuth and distance being,
8.  $124^{\circ} 16'$ —109.36 feet;
9.  $113^{\circ} 16'$ —186.63 feet; thence
10.  $234^{\circ} 00'$ —1760.22 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu;
11.  $292^{\circ} 00'$ —181.67 feet along a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu;
12.  $8^{\circ} 14'$ —717.29 feet along Parcel A-1, being also along Grant 2060 to J. Raymond and L. Bernard;
13.  $8^{\circ} 06'$ —1254.00 feet along Parcel A-1, being also along Grant 2060 to J. Raymond and L. Bernard;
14.  $311^{\circ} 41'$ —671.91 feet along Parcel A-1, being also along Grant 2060 to J. Raymond and L. Bernard;
15.  $110^{\circ} 19' 30''$ —572.74 feet along Parcel B-2; being also a remainder of L. C. Aw. 7713,



Apana 48 to V. Kamamalu, to the point of beginning and containing an area of 40.424 acres, and as delineated on 14th Naval District Drawing No. OA-N1-939. [172]

### PARCEL B-2

Land Situated on the Northeast Side of Kamehameha Highway at Manana Iki, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 4475, Land Commission Award 7713, Apana 48 to V. Kamamalu.

Beginning at a pipe at the North corner of this parcel of land, being also the Southwest corner of Parcel B-1, and on the new Northeast side of Kamehameha Highway, the coordinates of which referred to Government Survey Triangular Station "Ewa Church" being 1,207.78 feet North and 2,190.14 feet East, and running by azimuths measured clockwise from true South:

1.  $290^{\circ} 19' 30''$ —572.74 feet along Parcel B-1, being also a remainder of L. C. Aw. 7713, Apana 48 to V. Kamamalu;
2.  $311^{\circ} 41'$ —115.32 feet along Parcel A-6, being also along Grant 2060 to J. Raymond and L. Bernard;
3.  $110^{\circ} 19' 30''$ —671.04 feet along the Northeast side of Kamehameha Highway;
4.  $188^{\circ} 06'$ —42.97 feet along the boundary between Manana Iki and Waiwa to the point of beginning and containing an area of 26,119

square feet, and as delineated on 14th Naval District Drawing No. OA-N1-939. [173]

### PARCEL B-3

Land Situated at Waiwa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu.

Beginning at a pipe at the East corner of this parcel of land, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 3,770.52 feet North and 1,309.72 feet East, and running by azimuths measured clockwise from true South:

1.  $26^{\circ} 30'$ —144.00 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu;
2.  $35^{\circ} 30'$ —225.00 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu; thence along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the right, with a radius of 600 feet, the chord azimuth and distance being,
3.  $47^{\circ} 40'$ —252.91 feet;
4.  $59^{\circ} 50'$ —504.00 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu; thence along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the

left, with a radius of 220.00 feet, the chord azimuth and distance being,

5.  $40^{\circ} 20'$ —146.88 feet; thence along Parcel B-4, being [174] also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the right, with a radius of 350.00 feet, the chord azimuth and distance being,
6.  $28^{\circ} 30'$ —93.39 feet;
7.  $36^{\circ} 10'$ —778.00 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu; thence along Parcel B-4, being also a remainder of L. C. Aw. 7713, **Apana 46 to V. Kamamalu**, on a curve to the right, with a radius of 220.00 feet, the chord azimuth and distance being,
8.  $61^{\circ} 05'$ —185.37 feet; thence along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the right, with a radius of 420.00 feet, the chord azimuth and distance being,
9.  $126^{\circ} 15'$ —542.74 feet; thence along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the left, with a radius of 200.00 feet, the chord azimuth and distance being,
10.  $108^{\circ} 45'$ —338.29 feet;
11.  $51^{\circ} 00'$ —38.00 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu; thence along Parcel B-4, being also a remainder of L. C. Aw. 7713,

Apana 46 to V. Kamamalu, on a curve to the right, with a radius of 75.00 feet, the chord azimuth and distance being,

12.  $69^{\circ} 45'$ —48.22 feet; [175]
13.  $88^{\circ} 30'$ —106.00 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu; thence along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the right, with a radius of 60.00 feet, the chord azimuth and distance being,
14.  $127^{\circ} 30'$ —75.52 feet;
15.  $166^{\circ} 30'$ —128.00 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu; thence along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the right, with a radius of 180.00 feet, the chord azimuth and distance being,
16.  $192^{\circ} 32'$ —158.00 feet;
17.  $218^{\circ} 34'$ —352.00 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu;
18.  $208^{\circ} 40'$ —180.00 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu;
19.  $217^{\circ} 30'$ —180 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu;
20.  $230^{\circ} 20'$ —203.00 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu;

21.  $240^{\circ} 00'$ —300.00 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu;
22.  $225^{\circ} 20'$ —322.00 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu; thence along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the left, with a radius of 250.00 feet, the chord [176] azimuth and distance being,
23.  $210^{\circ} 30'$ —128.00 feet;
24.  $195^{\circ} 40'$ —130.00 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu; thence along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the right, with a radius of 300.00 feet, the chord azimuth and distance being,
25.  $209^{\circ} 49' 45''$ —146.80 feet; thence along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the right, with a radius of 230.00 feet, the chord azimuth and distance being,
26.  $253^{\circ} 51'$ —144.56 feet;
27.  $272^{\circ} 10'$ —57.62 feet along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, to a pipe;
28.  $295^{\circ} 17'$ —575.57 feet along Parcel B-6, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, to a pipe;
29.  $295^{\circ} 46'$ —691.20 feet along a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu to



the point of beginning and containing an area of 64.801 acres, and as delineated on 14th Naval District Drawing No. OA-N1-939. [177]

### PARCEL B-4

Land Situated at Waiawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kama-malu.

Beginning at a pipe at the Northeast corner of this parcel of land, being also the North corner of Parcel B-1, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 3,475.11 feet North and 2,336.38 feet East, and running by azimuths measured clockwise from true South:

1.  $54^{\circ} 00'$ —1760.22 feet along Parcel B-1, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu; thence following along the middle of railroad track along Parcel B-1, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, for the next eight (8) courses;
2.  $293^{\circ} 16'$ —186.63 feet; thence on a curve to the right, with a radius of 286.57 feet, the chord azimuth and distance being,
3.  $304^{\circ} 16'$ —109.36 feet;
4.  $315^{\circ} 16'$ —491.60 feet; thence on a curve to the right, with a radius of 521.07 feet, the chord azimuth and distance being,
5.  $325^{\circ} 28'$ —184.55 feet;

6.  $335^{\circ} 40'$ —281.50 feet; thence on a curve to the left, [178] with a radius of 309.79 feet, the chord azimuth and distance being,
7.  $310^{\circ} 45'$ —261.03 feet;
8.  $285^{\circ} 50'$ —143.10 feet; thence on a curve to the right, with a radius of 260.54 feet, the chord azimuth and distance being,
9.  $301^{\circ} 47' 13''$ —143.22 feet; thence
10.  $8^{\circ} 06'$ —55.33 feet along Parcel B-1, being also a remainder of L. C. Aw. 7713, Apana 48 to V. Kamamalu, to a pipe;
11.  $110^{\circ} 19' 30''$ —194.97 feet along the Northeast side of Kamehameha Highway to a pipe; thence along the Northeast side of Kamehameha Highway, on a curve to the left, with a radius of 5,712.72 feet, the chord azimuth and distance being,
12.  $108^{\circ} 52' 15''$ —289.95 feet to a pipe;
13.  $107^{\circ} 25'$ —1426.77 feet along the Northeast side of Kamehameha Highway and Waiawa Cut-Off Road;
14.  $165^{\circ} 00'$ —47.35 feet along Parcel B-8, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu;
15.  $224^{\circ} 23'$ —87.62 feet along Parcel B-8, being also along L. C. Aw. 10942, Apana 1 to William Wallace;
16.  $130^{\circ} 21'$ —148.30 feet along Parcel B-8, being also along L. C. Aw. 10942, Apana 1 to William Wallace;
17.  $43^{\circ} 16'$ —81.90 feet along Parcel B-8, being also along L. C. Aw. 10942, Apana 1 to William Wallace;

18.  $121^{\circ} 04' 30''$ —59.65 feet along Parcel B-8, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu; [179]
19.  $88^{\circ} 40'$ —50.00 feet along Parcel B-8, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu;
20.  $87^{\circ} 06'$ —202.11 feet along Parcel B-8, being also along L. C. Aw. 10942, Apana 2 to William Wallace;
21.  $107^{\circ} 25'$ —594.72 feet along the Northeast side of Waiawa Cut-Off Road to a pipe;
22.  $17^{\circ} 25'$ —30.00 feet along Waiawa Cut-Off Road to a pipe;
23.  $107^{\circ} 25'$ —550.62 feet along the Northeast side of Waiawa Cut-Off Road to a pipe; thence along the Northeast side of Waiawa Cut-Off Road and 100-foot roadway, on a curve to the right, with a radius of 269.52 feet, the chord azimuth and distance being,
24.  $131^{\circ} 12' 30''$ —217.46 feet;
25.  $155^{\circ} 00'$ —74.75 feet along 100-foot roadway; thence along 100-foot roadway, on a curve to the right, with a radius of 450.00 feet, the chord azimuth and distance being.
26.  $183^{\circ} 50'$ —434.04 feet;
27.  $212^{\circ} 40'$ —936.96 feet along 100-foot roadway; thence along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the right, with a radius of 75.00 feet, the chord azimuth and distance being,
28.  $238^{\circ} 55'$ —66.34 feet;

29.  $265^{\circ} 10'$ —82.53 feet along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu; thence along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, [180] on a curve to the left, with a radius of 240.00 feet, the chord azimuth and distance being,
30.  $253^{\circ} 40'$ —95.70 feet,
31.  $242^{\circ} 10'$ —247.00 feet along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu; thence along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the left, with a radius of 420.00 feet, the chord azimuth and distance being,
32.  $227^{\circ} 25'$ —213.87 feet;
33.  $212^{\circ} 40'$ —211.00 feet along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu; thence along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the right, with a radius of 230.00 feet, the chord azimuth and distance being,
34.  $224^{\circ} 06'$ —91.18 feet; thence along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the left, with a radius of 300.00 feet, the chord azimuth and distance being,
35.  $29^{\circ} 49' 45''$ —146.80 feet;
36.  $15^{\circ} 40'$ —130.00 feet along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu; thence along Parcel B-3.

being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the right, with a radius of 250.00 feet, the chord azimuth and distance [181] being,

37.  $30^{\circ} 30'$ —128.00 feet,
38.  $45^{\circ} 20'$ —322.00 feet along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu,
39.  $60^{\circ} 00'$ —300.00 feet along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu,
40.  $50^{\circ} 20'$ —203.00 feet along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu,
41.  $37^{\circ} 30'$ —180.00 feet along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu,
42.  $28^{\circ} 40'$ —180.00 feet along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu,
43.  $38^{\circ} 34'$ —352.00 feet along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, thence along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the left, with a radius of 180.00 feet, the chord azimuth and distance being,
44.  $12^{\circ} 32'$ —158.00 feet,
45.  $346^{\circ} 30'$ —128.00 feet along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, thence along Parcel B-3, being also a remainder of L. C. Aw. 7713,



Apana 46 to V. Kamamalu, on a curve to the left, with a radius of 60.00 feet, the chord azimuth and distance being,

46.  $307^{\circ} 30'$ —75.52 feet,

47.  $268^{\circ} 30'$ —106.00 feet along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, [182] thence along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the left, with a radius of 75.00 feet, the chord azimuth and distance being,

48.  $249^{\circ} 45'$ —48.22 feet;

49.  $231^{\circ} 00'$ —38.00 feet along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, thence along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the right, with a radius of 200.00 feet, the chord azimuth and distance being,

50.  $288^{\circ} 45'$ —338.29 feet, thence along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the left, with a radius of 420.00 feet, the chord azimuth and distance being,

51.  $306^{\circ} 15'$ —542.74 feet; thence along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the left, with a radius of 220.00 feet, the chord azimuth and distance being,

52.  $241^{\circ} 05'$ —185.37 feet;

53.  $216^{\circ} 10'$ —778.00 feet along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46

to V. Kamamalu, thence along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the left, with a radius of 350.00 feet, the chord azimuth and distance being, [183]

54.  $208^{\circ} 30'$ —93.39 feet; thence along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the right, with a radius of 220.00 feet, the chord azimuth and distance being,
55.  $220^{\circ} 20'$ —146.88 feet;
56.  $239^{\circ} 50'$ —504.00 feet along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu; thence along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the left, with a radius of 600.00 feet, the chord azimuth and distance being,
57.  $227^{\circ} 40'$ —252.91 feet;
58.  $215^{\circ} 30'$ —225.00 feet along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu;
59.  $206^{\circ} 30'$ —144.00 feet along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu;
60.  $286^{\circ} 03' 10''$ —1068.32 feet along a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu to the point of beginning and containing an area of 68.672 acres, and as delineated on 14th Naval District Drawing No. OA-N1-939.

Subject to a portion of Easement 3-A and the whole of Easement 3-B hereinafter described, said

easements being delineated on the aforesaid drawing. [184]

### PARCEL B-5

Land Situated at Waiawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu.

Beginning at a pipe at the East corner of this parcel of land, being also the East corner of Parcel B-7, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 4,277.29 feet North and 694.87 feet East, and running by azimuths measured clockwise from true South:

1.  $83^{\circ} 44'$ —74.75 feet along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, thence along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the right, with a radius of 360.00 feet, the chord azimuth and distance being,
2.  $98^{\circ} 57'$ —188.98 feet;
3.  $114^{\circ} 10'$ —56.71 feet along Parcel B-7, being also a remainder of L. C. Aw. 713, Apana 46 to V. Kamamalu; thence along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the left, with a radius of 370.00 feet, the chord azimuth and distance being,
4.  $103^{\circ} 10'$ —141.20 feet;

5.  $92^{\circ} 10'$ —134.00 feet along Parcel B-7, being also a remainder of L. C. Aw. 7713, [185] Apana 46 to V. Kamamalu, thence along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the left, with a radius of 270.00 feet, the chord azimuth and distance being,
6.  $62^{\circ} 25'$ —267.96 feet,
7.  $32^{\circ} 40'$ —211.00 feet along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, thence along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the right, with a radius of 380.00 feet, the chord azimuth and distance being,
8.  $47^{\circ} 25'$ —193.50 feet,
9.  $62^{\circ} 10'$ —247.00 feet along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, thence along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the right, with a radius of 200.00 feet, the chord azimuth and distance being,
10.  $73^{\circ} 40'$ —79.75 feet;
11.  $85^{\circ} 10'$ —17.85 feet along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, thence along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the right with a radius of 35.00 feet, the chord azimuth and distance being,
12.  $148^{\circ} 55'$ —62.78 feet;

13.  $212^{\circ} 40'$ —149.04 feet along 100-foot roadway;  
[186] thence along 100-foot roadway, on a curve to the right, with a radius of 930.00 feet, the chord azimuth and distance being,
14.  $228^{\circ} 35' 30''$ —510.34 feet;
15.  $244^{\circ} 31'$ —826.50 feet along 100-foot roadway;
16.  $351^{\circ} 00'$ —55.10 feet along U. S. Naval Reservation, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu;
17.  $300^{\circ} 00'$ —200.00 feet along U. S. Naval Reservation, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu;
18.  $352^{\circ} 00'$ —230.00 feet along U. S. Naval Reservation, being also a remainder of L. C. Aw 7713, Apana 46 to V. Kamamalu, to the point of beginning and containing an area of 7.143 acres, and as delineated on 14th Naval District Drawing No. OA-N1-939. [187]

### PARCEL B-6

Land Situated at Waiawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu.

Beginning at a pipe at the South corner of this parcel of land, being also on the Northeast boundary of Parcel B-3, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 4,105.68 feet North and 613.83 feet East, and running by azimuths measured clockwise from true South:



1.  $115^{\circ} 17'$ —494.36 feet along Parcel B-3, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu;
2.  $272^{\circ} 10'$ —76.38 feet along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, thence along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the right, with a radius of 330.00 feet, the chord azimuth and distance being,
3.  $283^{\circ} 10'$ —125.93 feet;
4.  $294^{\circ} 10'$ —56.71 feet along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, thence along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the left, with a radius of 400.00 feet, the chord azimuth and distance being,
5.  $278^{\circ} 57'$ —209.98 feet; [188]
6.  $263^{\circ} 44'$ —50.19 feet along Parcel B-7, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu,
7.  $25^{\circ} 17'$ —142.85 feet along a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu to the point of beginning and containing an area of 0.717 acre, and as delineated on 14th Naval District Drawing No. OA-N1-939. [189]

## PARCEL B-7

Land Situated at Waiawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu.

Beginning at a pipe at the East corner of this parcel of land, being also the Southeast corner of Parcel B-5, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 4,277.29 feet North and 694.87 feet East, and running by azimuths measured clockwise from true South:

1.  $25^{\circ} 17'$ —46.94 feet along a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu,
2.  $83^{\circ} 44'$ —50.19 feet along Parcel B-6, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, thence along Parcel B-6, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the right, with a radius of 400.00 feet, the chord azimuth and distance being,
3.  $98^{\circ} 57'$ —209.98 feet,
4.  $114^{\circ} 10'$ —56.71 feet along Parcel B-6, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, thence along Parcel B-6, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the left, with a radius of 330.00 feet, the chord azimuth and distance being,
5.  $103^{\circ} 10'$ —125.93 feet; [190]

6.  $92^{\circ} 10'$ —134.00 feet along Parcels B-6 and B-3 being also remainders of L. C. Aw. 7713, Apana 46 to V. Kamamalu, thence along Parcels B-3 and B-4, being also remainders of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the left, with a radius of 230.00 feet, the chord azimuth and distance being,
7.  $62^{\circ} 25'$ —228.26 feet;
8.  $32^{\circ} 40'$ —211.00 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, thence along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the right, with a radius of 420.00 feet, the chord azimuth and distance being,
9.  $47^{\circ} 25'$ —213.87 feet;
10.  $62^{\circ} 10'$ —247.00 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, thence along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the right, with a radius of 240.00 feet, the chord azimuth and distance being,
11.  $73^{\circ} 40'$ —95.70 feet;
12.  $85^{\circ} 10'$ —82.53 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, thence along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the left, with a radius of 75.00 feet, the chord azimuth and distance being,
13.  $58^{\circ} 55'$ —66.34 feet, [191]

14.  $212^{\circ} 40'$ —158.38 feet along 100-foot roadway, thence along Parcel B-5, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the left, with a radius of 35.00 feet, the chord azimuth and distance being,
15.  $328^{\circ} 55'$ —62.78 feet;
16.  $265^{\circ} 10'$ —17.85 feet along Parcel B-5, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, thence along Parcel B-5, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the left, with a radius of 200.00 feet, the chord azimuth and distance being,
17.  $253^{\circ} 40'$ —79.75 feet;
18.  $242^{\circ} 10'$ —247.00 feet along Parcel B-5, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, thence along Parcel B-5, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the left, with a radius of 380.00 feet, the chord azimuth and distance being,
19.  $227^{\circ} 25'$ —193.50 feet;
20.  $212^{\circ} 40'$ —211.00 feet along Parcel B-5, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, thence along Parcel B-5, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the right with a radius of 270.00 feet, the chord azimuth and distance being,
21.  $242^{\circ} 25'$ —267.96 feet;
22.  $272^{\circ} 10'$ —134.00 feet along Parcel B-3, being

also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the right, with a radius of 370.00 feet, the chord azimuth and distance being,

23.  $283^{\circ} 10'$ —141.20 feet;
24.  $294^{\circ} 10'$ —56.71 feet along Parcel B-5, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, thence along Parcel B-5, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, on a curve to the left, with a radius of 360.00 feet, the chord azimuth and distance being,
25.  $278^{\circ} 57'$ —188.98 feet,
26.  $263^{\circ} 44'$ —74.75 feet along Parcel B-5, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, to the point of beginning and containing an area of 1.597 acres, and as delineated on 14th Naval District Drawing No. OA-N1-939. [193]

#### PARCEL B-8

Land Situated at Waiawa, Ewa, Oahu, T. H.

Being the Whole of Royal Patent 402, Land Commission Award 10942, Apana 1 to William Wallace, a Portion of Royal Patent 402, Land Commission Award 10942, Apana 2 to William Wallace and a Portion of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu.

Beginning at the South corner of this parcel of land, on the Northeast side of Waiawa Cut-Off



Road near the intersection of same with Kamehameha Highway, and on the Southwesterly boundary of Parcel B-4, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 1,796.35 feet North and 371.60 feet East, and running by azimuths measured clockwise from true South:

1.  $107^{\circ} 25'$ —63.76 feet along the Northeast side of Waiawa Cut-Off Road to a pipe,
2.  $197^{\circ} 25'$ —30.00 feet along Waiawa Cut-Off Road to a pipe;
3.  $107^{\circ} 25'$ —389.03 feet along the Northeast side of Waiawa Cut-Off Road,
4.  $267^{\circ} 06'$ —202.11 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu,
5.  $268^{\circ} 40'$ —50.00 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu; [194]
6.  $301^{\circ} 04' 30''$ —59.65 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu,
7.  $223^{\circ} 16'$ —81.90 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu,
8.  $310^{\circ} 21'$ —148.30 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu,
9.  $44^{\circ} 33'$ —87.62 feet along Parcel B-4, being also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu,
10.  $345^{\circ} 00'$ —47.35 feet along Parcel B-4, being

also a remainder of L. C. Aw. 7713, Apana 46 to V. Kamamalu, to the point of beginning and containing an area of 0.792 acre, and as delineated on 14th Naval District Drawing No. OA-N1-939.

Subject to a portion of Easement 3-A hereinafter described, said easement being delineated on the aforesaid drawing. [195]

### PARCEL B-9

Land Situated at Waiawa and Manana Iki, Ewa, Oahu, T. H.

Being Portions of Royal Patent 4475, Land Commission Award 7713, Apanas 46 and 48 to V. Kamamalu. The Whole of Royal Patent 209, Land Commission Award 9320 Apanas 1, 2 and 3 to Keoho and the Whole of Royal Patent 207, Land Commission Award 9372, Apanas 1 and 2 to Keiki.

Beginning at a pipe at the East corner of this parcel of land, on the Southwest side of Kamehameha Highway, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 845.62 feet North and 2,845.45 feet East, and running by azimuths measured clockwise from true South:

1.  $46^{\circ} 36'$ —639.17 feet along Grant 3725 to Oahu Railway and Land Co. and the government land of Kalanihale,
2.  $145^{\circ} 20'$ —175.00 feet along Parcel E-5, being also Grant 159 to J. Lovell and L. C. Aw. 9378, Apana 2 to Homaiikawaa;

3.  $222^{\circ} 33'$ —316.40 feet along Parcel E-1, being also L. C. Aw. 7732, Apana 2 to Manuiki for Kapae;
4.  $129^{\circ} 20'$ —30.00 feet along Parcel E-1, being also L. C. Aw. 7732, Apana 2 to Manuiki for Kapae;
5.  $53^{\circ} 30'$ —61.50 feet along Parcel E-1, being also L. C. Aw. 7732, Apana 2 to Manuiki for Kapae;
6.  $140^{\circ} 30'$ —20.00 feet along Parcel E-1, being also [196] L. C. Aw. 7732, Apana 2 to Manuiki for Kapae;
7.  $64^{\circ} 30'$ —45.00 feet along Parcel E-1, being also L. C. Aw. 7732, Apana 2 to Manuiki for Kapae;
8.  $146^{\circ} 28'$ —40.24 feet along Parcel E-1, being also L. C. Aw. 7732, Apana 2 to Manuiki for Kapae;
9.  $43^{\circ} 00'$ —46.20 feet along Parcel E-1, being also L. C. Aw. 7732, Apana 2 to Manuika for Kapae;
10.  $48^{\circ} 30'$ —155.00 feet along Parcel E-1, being also L. C. Aw. 7732, Apana 2 to Manuiki for Kapae;
11.  $323^{\circ} 00'$ —136.00 feet along Parcel E-1, being also L. C. Aw. 7732, Apana 2 to Manuiki for Kapae;
12.  $72^{\circ} 30'$ —93.00 feet along Parcel E-5, being also along L. C. Aw. 9378, Apana 2 to Homaiikawaa;
13.  $45^{\circ} 20'$ —106.00 feet along Parcel E-5, being also along L. C. Aw. 9378, Apana 2 to Homaiikawaa;

14.  $131^{\circ} 00'$ —41.60 feet along Parcel E-5, being also along Grant 159 to J. Lovell;
15.  $50^{\circ} 30'$ —52.20 feet along Parcel E-5, being also along Grant 159 to J. Lovell;
16.  $309^{\circ} 00'$ —20.50 feet along Parcel E-5, being also along Grant 159 to J. Lovell;
17.  $52^{\circ} 00'$ —140.60 feet along Parcel E-5, being also along Grant 159 to J. Lovell;
18.  $324^{\circ} 00'$ —43.00 feet along Parcel E-5, being also along Grant 159 to J. Lovell;
19.  $58^{\circ} 00'$ —66.00 feet along Parcel E-5, being also along Grant 159 to J. Lovell;
20.  $140^{\circ} 30'$ —77.40 feet along Parcel E-5, being also along L. C. Aw. 7723, Apana 1 to Hopee,
21.  $63^{\circ} 00'$ —184.00 feet along Parcel E-5, being also along L. C. Aw. 7723, Apana 1 to Hopee and Grant 159 to J. Lovell, [197]
22.  $45^{\circ} 30'$ —300.00 feet along Parcel E-5, being also along L. C. Aw. 7723, Apana 2 to Hopee, to the Northeasterly edge of Waiawa Stream, thence following along the Northeasterly edge of Waiawa Stream along a remainder of the land of Waiawa for the next nine (9) courses, the direct azimuth and distances between points along edge of said stream being,
23.  $106^{\circ} 09'$ —296.45 feet;
24.  $123^{\circ} 40'$ —540.00 feet;
25.  $160^{\circ} 00'$ —105.00 feet;
26.  $177^{\circ} 10'$ —360.00 feet;
27.  $179^{\circ} 00'$ —200.00 feet;

28.  $192^{\circ} 48' 30''$ —139.38 feet;
29.  $152^{\circ} 15'$ —305.00 feet;
30.  $99^{\circ} 00'$ —350.00 feet;
31.  $125^{\circ} 28'$ —61.28 feet to the South side of Kamehameha Highway, thence
32.  $178^{\circ} 29'$ —15.00 feet along Kamehameha Highway,
33.  $266^{\circ} 29'$ —128.37 feet along the South side of Kamehameha Highway, thence along the South side of Kamehameha Highway, on a curve to the right with a radius of 1,397.50 feet, the chord azimuth and distance being,
34.  $267^{\circ} 41' 30''$ —58.94 feet;
35.  $358^{\circ} 54'$ —20.00 feet along Kamehameha Highway, thence along the South side of Kamehameha Highway, on a curve to the right, with a radius of 1,377.50 feet, the chord azimuth and distance being,
36.  $271^{\circ} 58' 30''$ —147.78 feet; [198]
37.  $185^{\circ} 03'$ —20.00 feet along Kamehameha Highway, thence along the South side of Kamehameha Highway, on a curve to the right, with a radius of 1,397.50 feet, the chord azimuth and distance being,
38.  $281^{\circ} 12'$ —299.42 feet;
39.  $287^{\circ} 21'$ —100.03 feet along the Southwest side of Kamehameha Highway,
40.  $287^{\circ} 25'$ —289.76 feet along the Southwest side of Kamehameha Highway,
41.  $17^{\circ} 15'$ —5.00 feet along Kamehameha Highway,
42.  $287^{\circ} 25'$ —250.00 feet along the Southwest side of Kamehameha Highway,



43.  $197^{\circ} 25'$ —5.00 feet along Kamehameha Highway,
44.  $287^{\circ} 25'$ —250.00 feet along the Southwest side of Kamehameha Highway,
45.  $17^{\circ} 25'$ —5.00 feet along Kamehameha Highway,
46.  $287^{\circ} 25'$ —27.03 feet along the Southwest side of Kamehameha Highway; thence along the Southwest side of Kamehameha Highway, on a curve to the right with a radius of 5,595.72 feet, the chord azimuth and distance being,
47.  $288^{\circ} 52' 15''$ —284.01 feet;
48.  $290^{\circ} 19' 30''$ —86.90 feet along the Southwest side of Kamehameha Highway,
49.  $200^{\circ} 19' 30''$ —5.00 feet along Kamehameha Highway,
50.  $290^{\circ} 19' 30''$ —848.37 feet along the Southwest side of Kamehameha Highway to the point of beginning and containing a gross area of 43.251 acres and a net area of 40.330 acres, after deducting Parcels E-2, E-3, E-4 and F-1 herein-after described, and as delineated on 14th Naval District Dwg. No. OA-N1-939. [199]

Subject to Easements 3-D and 3-F and portions of Easements 3-C and 3-E hereinafter described, said easements being delineated on the aforesaid drawing.

/s/ R. M. TOWILL,

Registered Professional Survey Certificate Number  
151.

Honolulu, T. H., August 22, 1944. [200]

## PARCEL C-1

Land Situated at Manana Uka, Ewa, Oahu, T. H.

Being a Portion of Grant 2060 to J. Raymond and L. Bernard.

Beginning at a pipe at the South corner of this parcel of land, being also the West corner of Parcel C-2, and on the West side of Waimano Home Road, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 1,199.80 feet North and 3,563.38 feet East, and running by azimuths measured clockwise from true South:

1.  $112^{\circ} 00'$ —60.00 feet along a remainder of Grant 2060 to J. Raymond and L. Bernard,
2.  $202^{\circ} 00'$ —225.00 feet along Parcel A-1, being also a remainder of Grant 2060 to J. Raymond and L. Bernard,
3.  $292^{\circ} 00'$ —60.00 feet along Parcel A-1, being also a remainder of Grant 2060 to J. Raymond and L. Bernard,
4.  $22^{\circ} 00'$ —225.00 feet along Parcel C-2, being also a remainder of Grant 2060 to J. Raymond and L. Bernard, to the point of beginning and containing an area of 0.310 acres, and as delineated on 14th Naval District Drawing No. OA-N1-939. [201]

## PARCEL C-2

Land Situated at Manana Uka, Ewa, Oahu, T. H.

Being a Portion of Grant 2060 to J. Raymond and L. Bernard.

Beginning at a pipe at the West corner of this parcel of land, being also the South corner of Parcel C-1, and on the West side of Waimano Home Road, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 1,199.80 feet North and 3,563.38 feet East, and running by azimuths measured clockwise from true South:

1.  $202^{\circ} 00'$ —225.00 feet along Parcel C-1, being also a remainder of Grant 2060 to J. Raymond and L. Bernard,
2.  $292^{\circ} 00'$ —10.00 feet along Parcel A-3, being also a remainder of Grant 2060 to J. Raymond and L. Bernard,
3.  $22^{\circ} 00'$ —225.00 feet along the West side of Waimano Home Road;
4.  $112^{\circ} 00'$ —10.00 feet along Waimano Home Road to the point of beginning and containing an area of 2,250 square feet, and as delineated on 14th Naval District Drawing No. OA-N1-939.

/s/ R. M. TOWILL,

Registered Professional Survey Certificate Number  
151.

Honolulu, T. H., August 22, 1944. [202]

## PARCEL E-1

Land Situated at Manana Iki, Ewa, Oahu, T. H.

Being the Whole of Royal Patent 871, Land Commission Award 7732, Apana 2 to Manuiki for Kapae.

Beginning at the South corner of this parcel of land, being also the Northeast corner of Parcel E-5, and on the boundary of Parcel B-9, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 550.38 feet North and 2,281.51 feet East, and running by azimuths measured clockwise from true South:

1.  $143^{\circ} 00'$ —136.00 feet along Parcel B-9, being also a remainder of L. C. Aw. 7713, Apana 48 to V. Kamamalu,
2.  $228^{\circ} 30'$ —155.00 feet along Parcel B-9, being also a remainder of L. C. Aw. 7713, Apana 48 to V. Kamamalu,
3.  $223^{\circ} 00'$ —46.20 feet along Parcel B-9, being also a remainder of L. C. Aw. 7713, Apana 48 to V. Kamamalu;
4.  $326^{\circ} 28'$ —40.24 feet along Parcel B-9, being also a remainder of L. C. Aw. 7713, Apana 48 to V. Kamamalu;
5.  $244^{\circ} 30'$ —45.00 feet along Parcel B-9, being also a remainder of L. C. Aw. 7713, Apana 48 to V. Kamamalu;
6.  $320^{\circ} 30'$ —20.00 feet along Parcel B-9, being also a remainder of L. C. Aw. 7713, Apana 48 to V. Kamamalu;

7. 233° 30'—61.50 feet along Parcel B-9, being also a remainder of L. C. Aw. 7713, Apana 48 to V. Kamamalu;
8. 309° 20'—30.00 feet along Parcel B-9, being also [203] a remainder of L. C. Aw. 7713, Apana 48 to V. Kamamalu;
9. 42° 33'—316.40 feet along Parcel B-9, being also a remainder of L. C. Aw. 7713, Apana 48 to V. Kamamalu, to the point of beginning and containing an area of 0.700 acre, and as delineated on 14th Naval District Drawing No. OA-N1-939.

Subject to a portion of Easement 3-C hereinafter described, said easement being delineated on the aforesaid drawing. [204]

## PARCEL E-2

Land Situated at Waiawa, Ewa, Oahu, T. H.

Being the Whole of Royal Patent 875, Land Commission Award 9376, Apana 2 to Kupihea for Kumaihiwa, the Whole of Royal Patent 208, Land Commission Award 9377, Apana 2 to Lio, and a Portion of Royal Patent 875, Land Commission Award 9376, Apana 1 to Kupihea for Kumaihiwa, Situated Wholly Within and to be Excluded from Parcel B-9.

Beginning at the South corner of this parcel of land, being also the East corner of Parcel F-1, the coordinates of which referred to Government Survey, Triangulation Station "Ewa Church" being 763.90 feet North and 1,718.20 feet East, and run-



ning by azimuths measured clockwise from true South:

1.  $102^{\circ} 30'$ —104.06 feet along Parcel F-1, being also a remainder of L. C. Aw. 9376, Apana 1 to Kupihea for Kumaihiwa;
2.  $104^{\circ} 52'$ —42.00 feet along Parcel F-1, being also a remainder of L. C. Aw. 9376, Apana 1 to Kupihea for Kumaihiwa;
3.  $228^{\circ} 00'$ —107.34 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 46 to V. Kamamalu,
4.  $117^{\circ} 00'$ —132.00 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 46 to V. Kamamalu, [205]
5.  $207^{\circ} 00'$ —76.56 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 46 to V. Kamamalu,
6.  $297^{\circ} 00'$ —132.00 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 46 to V. Kamamalu,
7.  $296^{\circ} 00'$ —132.00 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 46 to V. Kamamalu,
8.  $27^{\circ} 00'$ —76.56 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 46 to V. Kamamalu,
9.  $116^{\circ} 00'$ —13.09 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 46 to V. Kamamalu,
10.  $40^{\circ} 00'$ —69.18 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 46 to V.

Kamamalu, to the point of beginning and containing an area of 0.705 acre, and as delineated on 14th Naval District Drawing No. OA-N1-939.

Subject to portions of Easements 3-C and 3-E hereinafter described, said easements being delineated on the aforesaid drawing. [206]

### PARCEL E-3

Land Situated at Waiawa, Ewa, Oahu, T. H.

Being the Whole of Royal Patent 208, Land Commission Award 9377, Apana 1 to Lio.

Situated Wholly Within and to be Excluded from Parcel B-9.

Beginning at the East corner of this parcel of land, on the Southwest boundary of Parcel F-1, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 622.62 feet North and 1,481.36 feet East, and running by azimuths measured clockwise from true South:

1.  $52^{\circ} 30'$ —63.36 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 46 to V. Kamamalu,
2.  $329^{\circ} 00'$ —52.80 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 46 to V. Kamamalu,
3.  $57^{\circ} 00'$ —62.70 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 46 to V. Kamamalu,
4.  $330^{\circ} 00'$ —19.80 feet along Parcel B-9, being

also along L. C. Aw. 7713, Apana 46 to V. Kamamalu,

5. 57° 00'—314.16 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 46 to V. Kamamalu,
6. 102° 23'—95.32 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 46 to V. Kamamalu,
7. 233° 30'—250.14 feet along Parcel B-9, being also along L. C. Aw. 9320, Apana 2 to Keoha and L. C. Aw. 7713, Apana 46 to V. Kamamalu.
8. 151° 00'—33.00 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 46 to V. Kamamalu,
9. 233° 00'—242.57 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 46 to V. Kamamalu and L. C. Aw. 9320, Apana 1 to Keoho,
10. 311° 00'—57.68 feet along Parcel F-1, being also along L. C. Aw. 9376, Apana 1 to Kupihea for Kumailhiwa, to the point of beginning and containing an area of 0.976 acre, and as delineated on 14th Naval District Drawing No. OA-N1-939.

Subject to a portion of Easement 3-E hereinafter described, said easement being delineated on the aforesaid drawing.

#### PARCEL E-4

Land Situated at Waiawa, Ewa, Oahu, T. H.

Being the Whole of Royal Patent 223, Land Commission Award 9373 to Kamoku.

Situated Wholly Within and to be Excluded from Parcel B-9.

Beginning at the East corner of this parcel of

- also along L. C. Aw. 7713, Apana 48 to V. Kamamalu;
13. 238° 00'—66.00 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 48 to V. Kamamalu;
  14. 144° 00'—43.00 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 48 to V. Kamamalu;
  15. 232° 00'—140.60 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 48 to V. Kamamalu;
  16. 129° 00'—20.50 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 48 to V. Kamamalu;
  17. 230° 30'—52.20 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 48 to V. Kamamalu;
  18. 311° 00'—41.60 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 48 to V. Kamamalu;
  19. 225° 20'—106.00 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 48 to V. Kamamalu;
  20. 252° 30'—93.00 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 48 to V. Kamamalu; [211]
  21. 325° 20'—175.00 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 48 to V. Kamamalu;
  22. 46° 36'—254.45 feet along the government land of Kalanihale, partly along Governor's Executive Order 910;

23.  $338^{\circ} 27'$ —92.20 feet along the government land of Kalanihale along Governor's Executive Order 910,
24.  $321^{\circ} 55' 30''$ —342.62 feet along the government land of Kalanihale along Governor's Executive Order 910 and partly along Parcel T-1 to the point of beginning and containing an area of 10.073 acres, and as delineated on 14th Naval District Drawing No. OA-N1-939.

/s/ R. M. TOWILL,

Registered Professional Surveyor Certificate Number 151.

Honolulu, T. H., August 22, 1944. [212]

### PARCEL F-1

Land Situated at Waiawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 875, Land Commission Award 9376, Apana 1 to Kupihea for Kumaihiwa.

Situated Wholly Within and to be Excluded from Parcel B-9.

Beginning at the East corner of this parcel of land, being also the South corner of Parcel E-2, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 763.90 feet North and 1,718.20 feet East, and running by azimuths measured clockwise from true South.

1.  $40^{\circ} 00'$ —161.82 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 46 to V. Kamamalu,



2. 316° 00'—13.86 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 46 to V. Kamamalu;
3. 41° 00'—99.00 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 46 to V. Kamamalu;
4. 131° 00'—169.60 feet along Parcel B-9, being also along L. C. Aw. 7713, Apana 46 to V. Kamamalu and also along Parcel E-3, being also L. C. Aw. 9377, Apana 1 to Lio and L. C. Aw. 9320, Apana 1 to Keoho;
5. 228° 00'—195.30 feet along Parcel B-9, being also along L. C. Aw. 9320, Apana 1 to Keoho and L. C. Aw. 7713, Apana 46 to V. Kamamalu;
6. 284° 52'—42.00 feet along Parcel E-2, being also a remainder of L. C. Aw. 9376. [213] Apana 1 to Kupihea for Kumaihiwa;
7. 282° 30'—104.06 feet along Parcel E-2, being also a remainder of L. C. Aw. 9376, Apana 1 to Kupihea for Kumaihiwa, to the point of beginning and containing an area of 0.770 acre, and as delineated on 14th Naval District Drawing No. OA-N1-939.

Subject to a portion of Easement 3-E hereinafter described, said easement being delineated on the afore-said drawing.

## PARCEL F-2

Land Situated at Manana Iki, Ewa, Oahu, T. H.  
Being the Whole of Royal Patent 238, Land  
Commission Award 9405 to Kanaau.

Beginning at the Southeast corner of this parcel

of land, and on the Southerly boundary of Parcel E-5, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 335.79 feet South and 2,230.12 feet East, and running by azimuths measured clockwise from true South:

1.  $91^{\circ} 00'$ —323.00 feet along Grant 222 to Naheana to the edge of Waiawa Stream; thence following along the edge of Waiawa Stream, the direct azimuth and distance between points on edge of said stream being,
2.  $141^{\circ} 31'$ —63.00 feet, thence
3.  $244^{\circ} 00'$ —52.80 feet along Parcel E-5, being also along Grant 159 to J. Lovell;
4.  $263^{\circ} 00'$ —83.16 feet along Parcel E-5, being also along Grant 159 to J. Lovell;
5.  $252^{\circ} 00'$ —225.72 feet along Parcel E-5, being also along Grant 159 to J. Lovell;
6.  $331^{\circ} 20'$ —52.72 feet along Parcel E-5, being also along Grant 159 to J. Lovell;
7.  $4^{\circ} 00'$ —112.00 feet along Parcel E-5, being also along Grant 159 to J. Lovell, to the point of beginning and containing an area of 0.857 acre, and as delineated on 14th Naval District Drawing No. OA-N1-939.

/s/ R. M. TOWILL,

Registered Professional Surveyor Certificate Number 151.

Honolulu, T. H., August 22, 1944. [215]

## PARCEL T-1

Land Situated at Manana Iki, Ewa, Oahu, T. H.

Being a Portion of the Government Land of Kalanihale and Being Also a Portion of Governor's Executive Order 910.

Beginning at a pipe at the South corner of this parcel of land, being also the East corner of Parcel E-5, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 123.84 feet South and 2,441.33 feet East, and running by azimuths measured clockwise from true South:

1.  $141^{\circ} 55' 30''$ —93.33 feet along Parcel E-5, being also along Grant 159 to J. Lovell;
2.  $292^{\circ} 00'$ —78.91 feet along a remainder of the government land of Kalanihale, being also a remainder of Governor's Executive Order 910;
3.  $19^{\circ} 34'$ —46.60 feet along the land of Kaholona, being also L. C. Aw. 9305, Part 12 to P. Kanoa, to the point of beginning and containing an area of 1,837 square feet, and as delineated on 14th Naval District Drawing No. OA-N1-939.

/s/ R. M. TOWILL,

Registered Professional Surveyor Certificate Number 151.

Honolulu, T. H., August 22, 1944. [216]

## EASEMENT 1

Being a Roadway Forty (40.0) Feet Wide in Favor of the City and County of Honolulu.

Beginning at a pipe at the East corner of this

parcel of land, being also the South corner of Parcel A-2, the North corner of Parcel A-4 and the West corner of Parcel A-5, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 2,305.69 feet North and 4,010.18 feet East, and running by azimuths measured clockwise from true South:

1. 22° 00'—40.00 feet along Parcel A-4, being also a remainder of Grant 2060 to J. Raymond and L. Bernard;
2. 112° 00'—853.98 feet along a remainder of Grant 2060 to J. Raymond and L. Bernard, partly along Exclusion 1, to a pipe;
3. 202° 00'—40.00 feet along a remainder of Grant 2060 to J. Raymond and L. Bernard,
4. 292° 00'—853.98 feet along a remainder of Grant 2060 to J. Raymond and L. Bernard, partly along Parcel A-2, to the point of beginning and containing an area of 0.784 acre, and as delineated on 14th Naval District Drawing No. OA-N1-939. [217]

## EASEMENT 2

Description of Centerline of Pipeline Right-of-Way in Favor of the City and County of Honolulu.

Beginning at the North end of this easement, on the Southeast boundary of Exclusion 1 (City and County Reservoir Lot), the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 2,362.55 feet North and 3,323.16 feet East, and running by an azimuth measured clockwise from true South:

1.  $12^{\circ} 15'$ —1002.58 feet to the Southerly boundary of Parcel A-1, and as delineated on 14th Naval District Drawing No. OA-N1-939.

### EASEMENT 3-A

Description of Centerline of Electric Transmission Line for Hawaiian Electric Co., Ltd.

Beginning at the East end of this easement, on the Southerly boundary of Parcel E-4, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 1,605.09 feet North and 981.28 feet East, and running by azimuths measured clockwise from true South:

1.  $113^{\circ} 41'$ —83.86 feet; [218]
2.  $107^{\circ} 14'$ —231.79 feet;
3.  $114^{\circ} 02'$ —332.44 feet;
4.  $109^{\circ} 40'$ —1718.60 feet;
5.  $127^{\circ} 12'$ —152.39 feet to the Westerly boundary of Parcel B-4, the true azimuth and distance to a pipe marking the end of the 25th course of Parcel B-4 being  $336^{\circ} 54' 54''$  30.07 feet, and as delineated on 14th Naval District Drawing No. OA-N1-939.

### EASEMENT 3-B

Description of Centerline of Electric Transmission Line for Hawaiian Electric Co., Ltd.

Beginning at the East end of this easement, on the Southerly boundary of Parcel B-4, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 2,024.05 feet North and 254.08 feet West, and running by azimuths measured clockwise from true South.



1.  $110^{\circ} 22'$ —276.58 feet;
2.  $109^{\circ} 12'$ —783.80 feet;
3.  $127^{\circ} 12'$ —86.87 feet to the Westerly boundary of Parcel B-4, the true azimuth and distance to a pipe marking the end of the 25th course of Parcel B-4 being  $155^{\circ} 00' 60.79$  feet, and as delineated on 14th Naval District Drawing No. OA-N1-939. [219]

### EASEMENT 3-C

Description of Centerline of Electric Transmission Line for Hawaiian Electric Co., Ltd.

Beginning at the East end of this easement, on the Southeast boundary of Parcel B-9, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 624.09 feet North and 2,611.20 feet East, and running by an azimuth measured clockwise from true South:

1.  $105^{\circ} 07'$ —1964.40 feet to the edge of Waiawa Stream, the true azimuth and distance to the end of the 28th course of Parcel B-9 being  $192^{\circ} 48' 30'' 80.23$  feet, and as delineated on 14th Naval District Drawing No. OA-N1-939.

### EASEMENT 3-D

Description of Centerline of Electric Transmission Line for Hawaiian Electric Co., Ltd.

Beginning at the North end of this easement, on the Northeast boundary of Parcel B-9, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 1,073.63 feet North and 2,229.89 feet East, and running by

azimuths measured [220] clockwise from true South:

1.  $7^{\circ} 40' 30''$ —114.22 feet;
2.  $20^{\circ} 51' 30''$ —222.40 feet to the centerline of Easement 3-C, the true azimuth and distance to the initial point of Easement 3-C being  $285^{\circ} 07'$  492.80 feet, and as delineated on 14th Naval District Drawing No. OA-N1-939.

### EASEMENT 3-E

Description of Centerline of Electric Transmission Line for Hawaiian Electric Co., Ltd.

Beginning at the Northeast end of this easement, on the centerline of Easement 3-C, the true azimuth and distance from the initial point of Eastment 3-C being  $105^{\circ} 07'$  858.70 feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station "Ewa Church" being 848.03 feet North and 1,782.21 feet East, and running by an azimuth measured clockwise from true South:

1.  $48^{\circ} 33'$ —955.20 feet to the edge of Waiawa Stream, the true azimuth and distance to the end of the 23rd course of Parcel B-9 being  $303^{\circ} 40'$  170.62 feet, and as delineated on 14th Naval District Drawing No. OA-N1-939. [221]

### EASEMENT 3-F

Description of Centerline of Electric Transmission Line for Hawaiian Electric Co., Ltd.

Beginning at the East end of this easement, on the Northeast boundary of Parcel B-9, the coor-

dinates of which referred to Government Survey Triangulation Station "Ewa Church" being 1,498.21 feet North and 947.75 feet East, and running by azimuths measured clockwise from true South:

1.  $105^{\circ} 15'$ —230.47 feet;
2.  $122^{\circ} 39'$ —14.15 feet to the Northeast boundary of Parcel B-9, the true azimuth and distance to the end of the 38th course of Parcel B-9 being  $284^{\circ} 59' 30''$  115.01 feet, and as delineated on 14th Naval District Drawing No. OA-N1-939.

/s/ R. M. TOWILL,

Registered Professional Surveyor Certificate Number 151.

Honolulu, T. H., August 22, 1944.

[Endorsed]: Filed Sept. 7, 1944. [222]

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[Title of District Court and Cause No. 529.]

### DECLARATION OF TAKING

Whereas, pursuant to the authority of the Acts of Congress approved March 27, 1942 (Public Law 507, 77th Congress), April 28, 1942 (Public Law 528, 77th Congress), and June 26, 1943 (Public Law 92, 78th Congress), the above styled condemnation proceeding has been instituted.

Now, Therefore, pursuant to the provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421), I, Secretary of the Navy, do hereby make and cause to be filed this declaration of taking, and by virtue of authority thereof do hereby state that the lands selected for acquisition aggre-

gate 344.897 acres, more or less, at Manana and Waiawa, Ewa, Oahu, Territory of Hawaii, more particularly [224] Exhibit "A" attached hereto and made a part hereof. The lands are delineated on a map entitled "Boundary Map, Manana C. B. Camp and Storage Area," 14th Naval District Dwg. No. OA-N1-939, attached hereto as Exhibit "B" and made a part hereof.

And I do declare said lands to be taken under the authority of the aforesaid Acts of Congress; that the use to which said lands are to be put is in connection with the Manana Construction Battalion Camp and Storage Area; and that the estate hereby taken in said lands is as follows:

"1. As to Parcels A-2, A-3, A-5, A-6, A-7, A-8, A-9, A-10, B-1, B-2, B-3, B-5, B-6, C-1, C-2, E-1, E-2, F-1 and F-2, including all improvements thereon and appurtenances thereunto belonging, full fee simple title;

2. As to Parcels A-1, A-4, B-4, B-7, B-8, B-9, E-3, E-4, E-5, and T-1, including all improvements thereon and appurtenances thereunto belonging, fee simple title, subject, however, to the following:

Parcels A-1 and A-4

(a) Perpetual access easement (to and from Exclusion 1 as delineated on Exhibit "B") of the City and County of Honolulu acquired by deed dated July 25, 1932, recorded in Liber 1174, page 82 of the Bureau of Conveyances of the Territory of Hawaii; said access easement being by way of Parcel A-4 and along the right of way described

in [225] Exhibit "A" and delineated on Exhibit "B", both attached hereto, as Easement No. 1, and reserving to the said City and County of Honolulu the right to permit the operation, maintenance and repair of public utility facilities over, under and along said access easement, said access easement to be used in common with the Government and its permittees.

#### Parcel A-1

(b) Perpetual easement of the City and County of Honolulu, acquired by deed dated July 25, 1932, recorded in Liber 1174, page 82 of the Bureau of Conveyances of the Territory of Hawaii, for the operation, maintenance, and repair of a pipe line, together with the right of ingress and egress for such purposes, the centerline of which is described in Exhibit "A" and delineated on Exhibit "B" attached hereto, as Easement 2.

#### Parcels B-4, B-8 and B-9

(c) The existing right of the Hawaiian Electric Company, Limited, its successors and assigns, to operate, maintain, and repair electric power transmission poles and wire lines, together with the right of ingress and egress for such purposes, over the rights of way, the centerlines of which are described in Exhibit "A" and delineated on Exhibit "B", attached hereto, as Easements 3-A, 3-B, and [226] 3-F; said right having been acquired by the said Hawaiian Electric Company, Limited, from the Trustees under the Will and of the Estate of



Bernice P. Bishop, Deceased, by instrument dated July 31, 1944, and recorded in Liber 1852, pages 19 and 29, in the Bureau of Conveyances of the Territory of Hawaii.

(d) The right hereby reserved unto,

(1) George Miles Collins, John Kirkwood Clarke, Frank Elbert Midkiff, Edwin Pauhaulani Murray, and Joseph Boyd Poindexter, as Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, and to their successors in trust and assigns, as to Parcel B-9; and

(2) A. Lester Marks, Elizabeth Loy Marks, and Elizabeth Janet Cartwright McCandless, as Trustees under the Will and of the Estate of L. L. McCandless, Deceased, and to their successors in trust and assigns, as to Parcels E-3, E-4, and E-5; and to

(3) The City and County of Honolulu, a municipal corporation of the Territory of Hawaii, and its assigns, as to Parcel T-1, to operate, maintain, and repair, electric power transmission poles and wire lines, together with the rights of way, the center-lines of which are described in Exhibit "A", and delineated on [227] Exhibit "B", attached hereto, as Easement 3-C, for so long only as the said rights of way over which said facilities pass are used for such purposes.

(e) The right hereby reserved to the present fee owners their successors, assigns, and permittees, to use Parcel B-7 as a roadway in common, however, with the United States of America and its permittees."

And I, Secretary of the Navy, do hereby state

that the sum of money estimated by me to be just compensation for said lands and all improvements thereon and appurtenances thereunto belonging, is one hundred forty-three thousand two hundred four dollars and fifteen cents (\$143,204.15), which sum is hereby deposited into the registry of the court for the use and benefit of the persons entitled thereto, and that the names of the owners of said property and improvements thereon which are hereby taken are shown on Schedule "A" attached hereto and made a part hereof.

I am of the opinion that the ultimate award for the taking of said lands will be within the limits prescribed by Congress.

In Witness Whereof, the petitioner, by and through the Secretary of the Navy, has caused this declaration of taking to be signed on the 18th day of August, 1945, in the City of Washington, District of Columbia.

UNITED STATES OF  
AMERICA,

By /s/ JAMES FORRESTAL. [228]

SCHEDULE "A"

The names of the persons having title to or other interest in the lands described in the within declaration of taking, and the amounts estimated to be fair compensation for each respective ownership, including all improvements thereon, are as follows:

Parcel	Name of Owner	Acres	Estimated Just Compensation
A-1 to A-10 inclusive	Hawaiian Land and Improvement Co. Ltd.	104.862	\$ 47,187.90
B-1 to B-9 inclusive	Trustees of B. P. Bishop Estate	225.081	90,032.40
E-1 to E-5 inclusive	L. L. McCandless Estate	12.924	5,169.60
C-1 and C-2	Oahu Railway & Land Co.	0.361	162.45
F-1 and F-2	Honolulu Plantation Co.	1.627	650.80
T-1	City and County of Honolulu	0.042	1.00
Total		344.897	\$143,204.15

[Printer's Note: Exhibit "A" attached to Declaration of Taking is similar to Exhibit "A" attached to Petition for Condemnation and is set out at pages 115-171 with the exception of Easement 3-C which is set out below.]

### EASEMENT 3-C

Description of Centerline of Electric Transmission Line for Hawaiian Electric Co., Ltd.

Being easements twenty-two (22) feet wide, running over and across Parcels T-1, E-5, B-9, E-3 and E-4 of the U. S. Navy Acquisition under Civil Suit No. 529, same being portions of Territorial Government land of Kalanihale, Grant 159 to J. Lovell, R. P. 6240, L. C. Aw. 7723, Apana 2 to Hopee, R. P. 4475, L. C. Aw. 7713, Apana 46 to V. Kamamalu, R. P. 208, L. C. Aw. 9377, Apana 1 to Lio, R. P. 209, L. C. Aw. 9320, Apana 2 to Keoho and R. P. 223, L. C. Aw. 9373 to Kamoku.

Situated at Manana-Iki and Waiawa, Ewa, Oahu.

## Part 1

Beginning at the Easterly end of this center line, at a point on the East boundary of the U. S. Navy Acquisition under Civil Suit No. 529 and on the Westerly end of Second St., the coordinates of said point of beginning referred to Government Survey Triangulation Station "Ewa Church" being 131.26 feet South and 2438.51 feet East and thence running by azimuths measured clockwise from True South:

1.  $113^{\circ} 01'$ —141.14 feet;
2.  $112^{\circ} 00'$ —322.00 feet parallel to and twenty-two (22) feet Southwest of the proposed center line of Second St. Extension;
3.  $112^{\circ} 00'$ —845.24 feet parallel to and twenty-two (22) feet Southwest of the proposed center line of Second St. Extension;
4.  $112^{\circ} 00'$ —519.94 feet parallel to and twenty-two (22) feet Southwest of the proposed center line of Second St. Extension; [291]
5.  $179^{\circ} 28'$ —494.60 feet;
6.  $113^{\circ} 08'$ —41.46 feet to the West boundary of the U. S. Navy Acquisition and the East bank of Waiawa Stream, said point being 1006.83 feet North and 701.55 feet East of Government Survey Triangulation Station "Ewa Church".

## Part 2

Beginning at the end of Course 1 of Part 1 above described and running therefrom:

1.  $273^{\circ} 55'$ —146.48 feet to the East boundary of

the U. S. Navy Acquisition and the Westerly  
end of Second St.

### Part 3

Beginning at the end of Course 2 of Part 1 above  
described and running therefrom:

1.  $187^{\circ} 02'$ —65.00 feet.

### Part 4

Beginning at the end of Course 3 of Part 1 above  
described and running therefrom:

1.  $48^{\circ} 13'$ —217.09 feet to the South boundary of  
the U. S. Navy Acquisition and the North bank  
of Waiawa Stream, said point being 216.54 feet  
North and 1064.48 feet East of Government  
Survey Triangulation Station "Ewa Church".

Together with an additional easement for guy  
purposes on three areas, circular in shape, one  
circle each centering on the end of Courses 1, 4 and  
5 of Part 1 above described and having a radius  
of fifteen (15) feet, thirty (30) feet and forty (40)  
feet, respectively; save and except any portions of  
said circular areas which conflict with the proposed  
extension of Second St. of which do not lie within  
the U. S. Navy Acquisition, and as delineated on  
14th Naval District Drawing No. OA-N1-939.

[Endorsed]: Filed Sept. 17, 1945.

[292]



[Title of District Court and Cause No. 529]

MOTION FOR ORDER AMENDING  
PETITION IN CONDEMNATION

Now comes the Petitioner, United States of America, by its Attorney, Charles F. Rathbun, Special Assistant to the Attorney General, and moves that this Court enter an Order Amending the Petition in Condemnation herein by striking Exhibits "A" and "B" attached to said Petition and substituting therefore Exhibits "C" and "D", hereto attached, as a part of said Petition, and by striking from said Petition in the 1st, 2nd, 3rd and 4th lines from the bottom of page 1 the following words:

"more particularly described in Exhibit "A" hereto annexed and made a part hereof as though set forth at length and shown upon the map marked Exhibit "B", also attached hereto."

and substituting for said words after the words "certain land" in the 4th line from the bottom thereof, [294]

"more particularly described in Exhibit "C" hereto annexed and made a part hereof as though set forth at length and shown upon the map marked Exhibit "D", also attached hereto."

and by striking all of Paragraph III of said Petition in Condemnation and substituting therefore a new Paragraph III as follows:

"That the estate sought to be taken in said lands is as follows:

1. As to Parcels A-2, A-3, A-5, A-6, A-7, A-8, A-9, A-10, B-1, B-2, B-3, B-5, B-6, C-1, C-2, E-1, E-2, F-1 and F-2, including all improvements thereon and appurtenances thereunto belonging, full fee simple title:

2. As to Parcels A-1, A-4, B-4, B-7, B-8, B-9, E-3, E-4, E-5, and T-1, including all improvements thereon and appurtenances thereunto belonging, fee simple title, subject, however, to the following:

#### Parcels A-1 and A-4

(a) Perpetual access easement (to and from Exclusion 1 as delineated on Exhibit "D") of the City and County of Honolulu acquired by deed dated July 25, 1932, recorded in Liber 1174, page 82 of the Bureau of Conveyances of the Territory of Hawaii; said access easement being by way of Parcel A-4 and along the right of way described in Exhibit "C" and delineated on Exhibit "D", both attached hereto, as Easement No. 1, and reserving to the said City and County of Honolulu the right to permit the operation, maintenance and repair of public utility facilities over, under and along said access easement, said [295] access easement to be used in common with the Government and its permittees.

#### Parcel A-1

(b) Perpetual easement of the City and County of Honolulu, acquired by deed dated July 25, 1932, recorded in Liber 1174, Page 82 of the Bureau of Conveyances of the Territory of Hawaii, for the

operation, maintenance and repair of a pipe line, together with the right of ingress and egress for such purposes, the centerline of which is described in Exhibit "C" and delineated on Exhibit "D" attached hereto, as Easement 2.

Parcels B-4, B-8 and B-9

(c) The existing right of the Hawaiian Electric Company, Limited, its successors and assigns, to operate, maintain, and repair electric power transmission poles and wire lines, together with the right of egress and ingress for such purposes, over the rights of way, the centerlines of which are described in Exhibit "C" and delineated on Exhibit "D", attached hereto, as Easements 3-A, 3-B and 3-F; said right having been acquired by the said Hawaiian Electric Company, Limited, from the Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, by instrument dated July 31, 1944, and recorded in Liber 1852, pages 19 and 29, in the Bureau of Conveyances of the Territory of Hawaii.

(d) The right hereby reserved unto,

(1) George Miles Collins, John Kirkwood Clarke, Frank Elbert Midkiff, Edwin Pauhaulani Murray, and Joseph Boyd Poindexter, as Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, and to their successors in trust and assigns, as to Parcel B-9; and [296]

(2) A. Lester Marks, Elizabeth Loy Marks, and Elizabeth Janet Cartwright McCandless, as Trustees under the Will and of the Estate of L. L.

McCandless, Deceased, and to their successors in trust and assigns, as to Parcels E-3, E-4, and E-5; and to

(3) The City and County of Honolulu, a municipal corporation of the Territory of Hawaii, and its assigns, as to Parcel T-1, to operate, maintain, and repair, electric power transmission poles and wire lines, together with the rights of way, the centerlines of which are described in Exhibit "C" and delineated on Exhibit "D", attached hereto, as Easement 3-C, for so long only as the said rights of way over which said facilities pass are used for such purposes.

(e) The right hereby reserved to the present fee owners, their successors, assigns, and permittees, to use Parcel B-7 as a roadway in common, however, with the United States of America and its permittees."

Petitioner states that it is necessary that the Petition herein be amended to more accurately define the estate being taken.

Dated Honolulu, T. H., this 17th day of September, 1945.

UNITED STATES  
OF AMERICA,

By /s/ CHARLES F. RATHBUN,  
Special Asst. to the Atty. Gen.

[Printer's Note]: Parcels A-1 to B-9 of Exhibit "C" are the same as A-1 to B-9 set out at pages 115-154 of this printed record, with exception of last paragraph of Parcel B-9 which reads as follows: "Subject to Easement 3-F and portion of Easement 3-C, said easements being delineated on the aforesaid drawing."

Parcels C-1, C-2, E-1 and E-2 are the same as C-1, C-2, E-1 and E-2 set out at pages 155-160, with exception of last paragraph of E-1 and E-2 being deleted.

Parcel E-3 same as E-3 set out at page 160 except last paragraph refers to Easement 3-C instead of 3-E.

Parcels E-4 and E-5 are the same as E-4 and E-5 set out at pages 161-2 with following paragraph added: "Subject to a portion of Easement 3-C hereinafter described, said Easement being delineated on the aforesaid drawing."

Parcel F-1 same as F-1 set out at page 165 with the exception of last paragraph being deleted.

Parcel F-2 same as F-2 set out at page 166.

Parcel T-1 same as T-1 set out at page 168 with following added: "Subject to a portion of Easement 3-C hereinafter described, said Easement being delineated on the aforesaid drawing."

Easements 1-2-3A and 3B same as 1-2-3A and 3-B set out at pages 168-171.



## EASEMENT 3-C

Description of Centerline of Electric Transmission Line for Hawaiian Electric Co., Ltd.

Being easements twenty-two (22) feet wide, running over and across Parcels T-1, E-5, B-9, E-3 and E-4 of the U. S. Navy Acquisition under Civil Suit No. 529, same being portions of Territorial Government land of Kalanihale, Grant 159 to J. Lovell, R. P. 6240, L. C. Aw. 7723, Apana 2 to Hopee, R. P. 4475, L. C. Aw. 7713, Apana 46 to V. Kama-malu, R. P. 208, L. C. Aw. 9377, Apana 1 to Lio, R. P. 209, L. C. Aw. 9320, Apana 2 to Keoho and R. P. 223, L. C. Aw. 9373 to Kamoku.

Situated at Manana-Iki and Waiawa, Ewa, Oahu.

## Part 1

Beginning at the Easterly end of this center line, at a point on the East boundary of the U. S. Navy Acquisition under Civil Suit No. 529 and on the Westerly end of Second St., the coordinates of said point of beginning referred to Government Survey Triangulation Station "Ewa Church" being 131.26 feet South and 2438.51 feet East and thence running by azimuths measured clockwise from True South:

1.  $113^{\circ} 01'$ —141.14 feet;
2.  $112^{\circ} 00'$ —322.00 feet parallel to and twenty-two (22) feet Southwest of the proposed center line of Second St. Extension;

3.  $112^{\circ} 00'$ —845.24 feet parallel to and twenty-two (22) feet Southwest of the proposed center line of Second St. Extension;
4.  $112^{\circ} 00'$ —519.94 feet parallel to and twenty-two (22) feet Southwest of the proposed center line of Second St. Extension; [359]
5.  $179^{\circ} 28'$ —494.69 feet;
6.  $113^{\circ} 08'$ —41.46 feet to the West boundary of the U. S. Navy Acquisition and the East bank of Waiawa Stream, said point being 1066.83 feet North and 701.55 feet East of Government Survey Triangulation Station "Ewa Church".

### Part 2

Beginning at the end of Course 1 of Part 1 above described and running therefrom:

1.  $273^{\circ} 55'$ —146.48 feet to the East boundary of the U. S. Navy Acquisition and the Westerly end of Second St.

### Part 3

Beginning at the end of Course 2 of Part 1 above described and running therefrom:

1.  $187^{\circ} 02'$ —65.00 feet.

### Part 4

Beginning at the end of Course 3 of Part 1 above described and running therefrom:

1.  $48^{\circ} 13'$ —217.09 feet to the South boundary of the U. S. Navy Acquisition and the North bank of Waiawa Stream, said point being 216.54 feet

North and 1064.48 feet East of Government Survey Triangulation Station "Ewa Church"

Together with an additional easement for guy purposes on three areas, circular in shape, one circle each centering on the end of Courses 1, 4 and 5 of Part 1 above described and having a radius of fifteen (15) feet, thirty (30) feet and forty (40) feet, respectively; save and except any portions of said circular areas which conflict with the proposed extension of Second St. of which do not lie within the U. S. Navy Acquisition, and as delineated on the 14th Naval District Drawing No. OA-N1-939.

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[Title of District Court and Cause No. 529.]

ORDER AMENDING PETITION  
IN CONDEMNATION

Now this 17th day of September, 1945, upon motion by the Petitioner, United States of America, by its Attorney, Charles F. Rathbun, Special Assistant to the Attorney General, it appearing that it is necessary to more accurately define the estate being taken in the land described herein,

It Is Ordered:

That the Petition in Condemnation be amended by striking Exhibits "A" and "B" attached to said Petition and substituting therefore Exhibits "C" and "D" attached to the Motion this day filed herein, asking for an Order Amending the Petition herein, and by striking from said Petition in the

1st, 2nd, 3rd, and 4th lines from the bottom of page 1 the following words:

“more particularly described in Exhibit “A” hereto annexed and made a part hereof as though set forth at length and shown upon the map marked Exhibit “B”, also attached hereto.” [362]

and substituting for said words after the words “certain land” in the 4th line from the bottom thereof,

“more particularly described in Exhibit “C” hereto annexed and made a part hereof as though set forth at length and shown upon the map marked Exhibit “D”, also attached hereto.”

and by striking all of Paragraph III of said Petition in Condemnation and substituting therefore a new Paragraph III as set forth in the said motion this day filed herein asking for an Order Amending Petition in Condemnation herein.

Dated Honolulu, T. H., this 17th day of September, 1945.

(Seal)            /s/ D. E. METZGER,  
Judge of the United States District Court for the  
District of Hawaii.

[Endorsed]: Filed Sept. 17, 1945.

[363]

In the District Court of the United States  
for the District of Hawaii

April Term 1945

Civil No. 529

UNITED STATES OF AMERICA,

Petitioner,

vs.

344.893 Acres of land, more or less, at Manana and  
Waiawa, Ewa, Oahu, T. H.; Oahu Railway and  
Land Company, an Hawaiian corporation; et al.;  
Defendants.

ORDER AND JUDGMENT ON DECLARATION  
OF TAKING

It appearing that on the 7th day of September, 1944, the United States of America filed a Petition for Condemnation of certain lands described and shown in said Petition; and

It further appearing that the said Petition for Condemnation has been amended pursuant to an Order of the Court this day entered herein; and

It further appearing that there was filed herein on the 17th day of September, 1945, in the above cause, a Declaration of Taking signed by James Forrestal, Secretary of the Navy, under and pursuant to the provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421) and under the further authority of the Act of Congress



approved March 27, 1942 (Public Law 507, 77th Congress), the Act of Congress approved April 28, 1942 (Public Law 528, 77th Congress) and the Act of Congress approved June 26, 1943 (Public Law 92, 78th Congress) declaring taken the estates and interests as set forth in said Declaration of taking and as shown on Exhibits "A" and "B" attached to said Declaration of Taking: that the uses of said lands are those described in the said Declaration of Taking and in the petition filed herein as amended; and that the said Declaration of Taking sets forth the estimate of just compensation made pursuant to law and that contemporaneously with the filing of said Declaration of Taking there was deposited [364] in the registry of this Court, for the use and benefit of the persons entitled thereto the sum of One Hundred Forty-three Thousand Two Hundred Four Dollars and Fifteen Cents (\$143,204.15).

It Is Ordered, Adjudged and Decreed that by virtue of the filing of said Declaration of Taking and the deposit of said money, title to the estates and interests in said lands thus shown on Schedules "A" and "B" attached to said Declaration of Taking be and the same is hereby indefeasibly vested in the United States of America to the following extent and with the following reservations:

1. As to Parcels A-2, A-3, A-5, A-6, A-7, A-8, A-9, A-10, B-1, B-2, B-3, B-5, B-6, C-1, C-2, E-1, E-2, F-1 and F-2, including all improvements thereon and appurtenances thereunto belonging, full fee simple title:

2. As to Parcels A-1, A-4, B-4, B-7, B-8, B-9, E-3, E-4, E-5, and T-1, including all improvements thereon and appurtenances thereunto belonging, fee simple title, subject, however, to the following:

Parcels A-1 and A-4

(a) Perpetual access easement (to and from Exclusion 1 as delineated on Exhibit "B") of the City and County of Honolulu acquired by deed dated July 25, 1932, recorded in Liber 1174, page 82 of the Bureau of Conveyances of the Territory of Hawaii; said access easement being by way of Parcel A-4 and along the right of way described in Exhibit "A" and delineated on Exhibit "B" both attached hereto, as Easement No. 1, and reserving to the said City and County of Honolulu the right to permit the operation, maintenance and repair of public utility facilities over, under and along said access easement, said access easement to be used in common with the Government and its permittees. [365]

Parcel A-1

(b) Perpetual easement of the City and County of Honolulu, acquired by deed dated July 25, 1932, recorded in Liber 1174, page 82 of the Bureau of Conveyances of the Territory of Hawaii, for the operation, maintenance, and repair of a pipe line, together with the right of ingress and egress for such purposes, the centerline of which is described in Exhibit "A" and delineated on Exhibit "B" attached hereto, as Easement 2.

## Parcels B-4, B-8 and B-9

(c) The existing right of the Hawaiian Electric Company, Limited, its successors and assigns, to operate, maintain, and repair electric power transmission poles and wire lines, together with the right of ingress and egress for such purposes, over the rights of way, the centerlines of which are described in Exhibit "A" and delineated on Exhibit "B" attached hereto, as Easements 3-A, 3-B and 3-F; said right having been acquired by the said Hawaiian Electric Company, Limited, from the Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, by instrument dated July 31, 1944, and recorded in Liber 1852, pages 19 and 29, in the Bureau of Conveyances of the Territory of Hawaii.

(d) The right hereby reserved unto,

(1) George Miles Collins, John Kirkwood Clarke, Frank Elbert Midkiff, Edwin Pauhaulani Murray and Joseph Boyd Poindexter, as Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, and to their successors in trust and assigns. as to Parcel B-9; and [366]

(2) A. Lester Marks, Elizabeth Loy Marks, and Elizabeth Janet Cartwright McCandless, as Trustees under the Will and of the Estate of L. L. McCandless, Deceased, and to their successors in trust and assigns, as to Parcels E-3, E-4 and E-5; and to

(3) The City and County of Honolulu, a municipal corporation of the Territory of Hawaii, and

its assigns, as to Parcel T-1, to operate, maintain and repair, electric power transmission poles and wire lines, together with the rights of way, the centerlines of which are described in Exhibit "A" and delineated on Exhibit "B", attached hereto, as Easement 3-C, for so long only as the said rights of way over which said facilities pass are used for such purposes.

(d) The right hereby reserved to the present fee owners, their successors, assigns, and permittees, to use Parcel B-7 as a roadway in common, however, with the United States of America and its permittees."

It Is Further Ordered that a copy of this Order be promptly served by the United States Marshal upon each of the defendants in this cause having an interest in this proceeding, and the Marshal is further ordered to post a copy hereof in a conspicuous place on the premises and to forthwith make due return of his said service to this Court.

Dated Honolulu, T. H., this 17th day of September, 1945.

(Seal)            /s/ D. E. METZGER,

Judge of the United States District Court for the  
District of Hawaii.

[367]

In the District Court of the United States  
For the District of Hawaii

April Term 1944

Civil No. 532

UNITED STATES OF AMERICA,

Petitioner,

vs.

8.279 ACRES OF LAND, more or less, at Halawa.

Oahu, Territory of Hawaii; Charles M. Hite,  
Trustee under the Will and of the Estate of  
Emma Kaleleonalani, Honolulu Plantation Com-  
pany, an Hawaiian corporation, et al.,

Defendants.

### PETITION FOR CONDEMNATION

To the Honorable, the Presiding Judges of the  
United States District Court for the District of  
Hawaii:

Now comes the United States of America, by  
Robert S. Tarnay, Special Assistant to the Attor-  
ney General, acting under the instructions of the  
Attorney General of the United States and at the  
request of the Secretary of Navy and respectfully  
represents to the Court:

#### I.

That this proceeding is instituted under the auth-  
ority of divers and sundry acts of Congress among  
them the following:

The Act of Congress approved March 27.  
1942 (Public Law 507—77th Congress)



The Act of Congress approved June 26, 1943  
(Public Law 92—78th Congress)

and that the Secretary of Navy, acting under authority vested in him by law has determined that it is necessary that the United States of America acquire by condemnation by judicial process certain land, more particularly described in Exhibit "A" hereto annexed and made a part hereof as though set forth at length and shown upon the map marked Exhibit "B", also attached hereto. [369]

## II.

That the lands sought to be condemned are located adjoining Aliamanu Crater, Halawa, Oahu Territory of Hawaii, and lie wholly within the jurisdiction of this Court.

## III.

That the interest sought to be condemned in this action is the fee simple title, and all improvements thereon and appurtenances thereunto belonging, subject to existing public utility, pipeline, and irrigation and drainage easements, if any, and said land is for use in connection with the erection of tanks for expansion of water storage facilities for the Navy Yard and the entire military area adjacent to Pearl Harbor.

## IV.

That Charles M. Hite, Trustee under the Will and of the Estate of Emma Kaleleonalani; Honolulu Plantation Company, an Hawaiian corporation; City and County of Honolulu; Territory of Hawaii and all other persons, companies or corporations, either known or unknown, who claim to

have or own any right, title or interest of any character whatever in said land are made defendants herein.

### V.

That the Secretary of Navy of the United States has determined that the utmost haste in expediting this project is vital to the War purposes of the United States and that he has, therefore, determined that possession of said lands and all improvements thereon and appurtenances thereunto belonging, to the extent or interest to be acquired therein, is necessary by the United States and that certain and adequate provisions have been made for the payment of just compensation which may be adjudged due for the condemnation of the land described and shown on Exhibits "A" and "B".

That the Petitioner has been in possession of said lands from and since May 15, 1944.

Wherefore, your Petitioner prays this Honorable Court to take jurisdiction of this cause and enter all orders, judgments and decrees necessary to determine title of said real estate condemned, or any part [370] thereof, and to fix and determine that the continued possession of the lands identified in Paragraph V is necessary for the War and Naval purposes of the United States; that upon payment into the registry of this Court for the use of the persons entitled thereunto of the sum adjudged to be full compensation for the condemnation of said land, that title to said land be vested in the United States of America, in fee simple, subject to the exceptions set forth in Paragraph

III, and that the Court make distribution of the final awards among the persons entitled thereto as expeditiously as may be and for such other and further relief as to the Court may seem just and proper in the premises.

UNITED STATES  
OF AMERICA,

By CHARLES F. RATHBUN,  
Special Asst to the Atty Gen.

By /s/ ROBERT S. TARNAY,  
Special Asst to the Atty Gen.

(Duly Verified.)

[371]

EXHIBIT A

PARCEL 1

Being a portion of Lot 1-A of Land Court Application 966 Situated about 5,000 feet Easterly from Kamehameha Highway and about 4,000 feet Southerly from Moanalua Road at Halawa, Ewa, Oahu, T. H.

Beginning at a U.S.M.R. Monument at the South corner of this piece of land and on the Northwest-erly boundary of Exclusion 7 of Land Court Application 966, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Salt Lake" being 1,170.23 feet South and 4,865.35 feet West, and running by true azimuths measured clockwise from South:

1.  $132^{\circ} 46'$ —464.30 feet to a pipe:

2.  $221^{\circ} 20'$ —472.50 feet to a pipe;
  3.  $193^{\circ} 32'$ —316.65 feet to a pipe;
  4.  $297^{\circ} 37' 30''$ —489.55 feet to a pipe;
  5.  $2^{\circ} 20'$ —50.75 feet;
  6.  $28^{\circ} 25'$ —98.26 feet along Exclusion 7 of Land Court Application 966;
  7.  $40^{\circ} 36'$ —305.55 feet along Exclusion 7 of Land Court Application 966;
  8.  $31^{\circ} 13'$ —446.45 feet along Exclusion 7 of Land Court Application 966 to the point of beginning;
- Containing an area of 8.279 acres.

/s/ JAMES B. MANN,

Registered Professional Surveyor Certificate Number 75.

Honolulu, Hawaii. July 26, 1944.

[Endorsed]: Filed Sept. 16, 1944.

[372]

In the District Court of the United States  
For the District of Hawaii

April Term 1944

Civil No. 533

UNITED STATES OF AMERICA,

Petitioner,

vs.

218.349 ACRES OF LAND, more or less, at Waiawa Gulch, Waiawa, Oahu, Territory of Hawaii; George Miles Collins, John Kirkwood Clarke, Frank Elbert Midkiff, Edwin Pauhaulani Murray and Joseph Boyd Poindexter Trustees under the Will and of the Estate of Bernice P. Bishop, et al.,

Defendants.

### PETITION FOR CONDEMNATION

To the Honorable, the Presiding Judges of the  
United States District Court for the District of  
Hawaii:

Now comes the United States of America, by Robert S. Tarnay, Special Assistant to the Attorney General, acting under the instructions of the Attorney General of the United States and at the request of the Secretary of Navy and respectfully represents to the Court:

#### I.

That this proceeding is instituted under the authority of divers and sundry Acts of Congress, among them the following:



The Act of Congress approved March 27, 1942 (Public Law 507—77th Congress)

The Act of Congress approved August 6, 1942 (Public Law 700—77th Congress)

and that the Secretary of Navy, acting under authority vested in him by law has determined that it is necessary that the United States of America acquire by condemnation by judicial process certain lands, more particularly described in Exhibit "A" hereto annexed and made a part hereof as though set forth at length and shown upon the map marked Exhibit "B", also attached hereto.

## II.

That the lands sought to be condemned are located at Waiawa Gulch, Waiawa, Oahu, Territory of Hawaii, and lie wholly within the jurisdiction of this Court. [375]

## III.

That the interest sought to be condemned in this section is the full fee simple title, including all improvements thereon and appurtenances thereunto belonging, to Parcels one and two and a perpetual easement for a 100' roadway, described and shown on Exhibits "A" and "B", said land to be used for aviation storage facilities in connection with the Aviation Supply Depot.

## IV.

That George Miles Collins, John Kirkwood Clarke, Frank Elbert Midkiff, Edwin Pauhaulani Murray and Joseph Boyd Poindexter, Trustees under the Will and of the Estate of Bernice P

Bishop; Libby, McNeill & Libby, a Maine corporation; Oahu Sugar Company, an Hawaiian corporation; Honolulu Plantation Company, a California corporation; Oahu Railway & Land Company, an Hawaiian corporation; Hawaiian Electric Company, an Hawaiian corporation; City and County of Honolulu; Territory of Hawaii and all other persons, companies or corporations, either known or unknown, who claim to have or own any right, title or interest of any character whatever in said land are made defendants herein.

V.

That the Secretary of Navy of the United States has determined that the utmost haste in expediting this project is vital to the War purposes of the United States and that he has, therefore, determined that possession of said lands and all improvements thereon and appurtenances thereunto belonging, to the extent or interest to be acquired therein, is necessary by the United States and that certain and adequate provisions have been made for the payment of just compensation which may be adjudged due for the condemnation of the land described and shown on Exhibits "A" and "B".

That the Petitioner has been in possession of said lands from and since January 11, 1943, pursuant to right of entry.

Wherefore, your Petitioner prays this Honorable Court to take jurisdiction of this cause and enter all orders, judgments and decrees necessary to determine title of said real estate condemned, or any part thereof, and to fix and determine that

the continued possession of the lands identified in Paragraph V is necessary for the War and Naval purposes of the United States; that upon payment into the registry of this Court for the use [376] of the persons entitled thereunto of the sum adjudged to be full compensation for the condemnation of said land, that title to Parcels one and two be vested in the United States of America, in fee simple, and that said Petitioner have a perpetual easement for the 100' roadway described and shown on Exhibits "A" and "B".

UNITED STATES

OF AMERICA,

By CHARLES F. RATHBUN,

Special Asst. to the Atty. Gen.

By /s/ ROBERT S. TARNAY,

Special Asst. to the Atty. Gen.

(Duly Verified.)

[377]

EXHIBIT "A"

PARCEL 1

Being a portion of R. P. 4475, L. C. Aw. 7713, Apana 46 to V. Kamamalu Situated at Waiawa, Ewa, Oahu, T. H.

Beginning at an iron pin on the Northerly boundary of this piece of land, the true azimuth and distance from a  $1\frac{1}{4}$ " pipe called "Flag" being  $24^{\circ} 58' 157.70$  feet, the coordinates of said  $1\frac{1}{4}$ " pipe referred to Government Survey Triangulation Station "Ewa Church" being 7,176.56 feet North and

802.93 feet East, and running by true azimuths measured clockwise from South:

1.  $229^{\circ} 40'$ —309.80 feet to an iron pin;
2.  $242^{\circ} 54'$ —190.90 feet to an iron pin;
3.  $247^{\circ} 57'$ —207.40 feet to an iron pin;
4.  $249^{\circ} 59'$ —264.30 feet to an iron pin;
5.  $265^{\circ} 16'$ —148.80 feet to an iron pin;
6.  $249^{\circ} 54'$ —255.80 feet to an iron pin;
7.  $246^{\circ} 39'$ —183.00 feet to an iron pin;
8.  $238^{\circ} 37'$ —217.80 feet to an iron pin;
9.  $238^{\circ} 20'$ —395.80 feet to an iron pin, the azimuth and distance from a  $1\frac{1}{2}"$  pipe called "Red" being  $321^{\circ} 41' 59.70$  feet;
10.  $221^{\circ} 17'$ —563.20 feet to an iron pin;
11.  $239^{\circ} 44'$ —198.20 feet to an iron pin;
12.  $214^{\circ} 04'$ —371.30 feet to an iron pin;
13.  $195^{\circ} 52'$ —105.50 feet to an iron pin;
14.  $197^{\circ} 06'$ —114.00 feet to an iron pin;
15.  $184^{\circ} 15'$ —839.30 feet to an iron pin;
16.  $237^{\circ} 45'$ —771.00 feet to an iron pin;
17.  $269^{\circ} 51'$ —321.10 feet to an iron pin;
18.  $312^{\circ} 34'$ —298.20 feet to an iron pin;
19.  $320^{\circ} 04'$ —527.50 feet to an iron pin;
20.  $3^{\circ} 18'$ —269.50 feet to an iron pin; [378]
21.  $9^{\circ} 17'$ —394.10 feet to an iron pin;
22.  $4^{\circ} 16'$ —1381.60 feet to an iron pin;
23.  $60^{\circ} 18'$ —115.00 feet to an iron pin;
24.  $105^{\circ} 06'$ —138.70 feet to an iron pin, the azimuth and distance from a  $1\frac{1}{2}"$  pipe called "Cane 2" being  $100^{\circ} 32' 79.65$  feet;
25.  $100^{\circ} 49'$ —517.90 feet to an iron pin;
26.  $86^{\circ} 04'$ —298.80 feet to an iron pin;

27.  $61^{\circ} 30'$ —163.40 feet to an iron pin;
28.  $56^{\circ} 51'$ —250.30 feet to an iron pin, the azimuth and distance from a  $1\frac{1}{2}$ " pipe called "Slope" being  $30^{\circ} 00'$  98.60 feet;
29.  $43^{\circ} 53'$ —471.10 feet to an iron pin;
30.  $37^{\circ} 08'$ —330.60 feet to an iron pin;
31.  $56^{\circ} 59'$ —612.10 feet to an iron pin;
32.  $72^{\circ} 30'$ —234.80 feet to an iron pin;
33.  $61^{\circ} 48'$ —289.50 feet to an iron pin;
34.  $43^{\circ} 52'$ —95.90 feet to an iron pin;
35.  $29^{\circ} 27'$ —79.00 feet to an iron pin, the azimuth and distance from a  $1\frac{1}{2}$ " pipe called "Bluff" being  $23^{\circ} 55'$  180.00 feet;
36.  $18^{\circ} 58'$ —216.40 feet to an iron pin;
37.  $41^{\circ} 45'$ —168.90 feet to an iron pin;
38.  $43^{\circ} 42'$ —162.10 feet to an iron pin;
39.  $25^{\circ} 03'$ —202.70 feet to an iron pin;
40.  $11^{\circ} 58'$ —171.80 feet to an iron pin;
41.  $6^{\circ} 23'$ —499.90 feet to an iron pin;
42.  $19^{\circ} 18'$ —200.80 feet to an iron pin;
43.  $30^{\circ} 49'$ —136.60 feet to an iron pin;
44.  $46^{\circ} 52'$ —116.30 feet to an iron pin;
45.  $57^{\circ} 18'$ —292.70 feet to an iron pin;
46.  $65^{\circ} 46'$ —150.80 feet to an iron pin;
47.  $83^{\circ} 44'$ —98.50 feet to an iron pin; [379]
48.  $172^{\circ} 00'$ —230.00 feet to an iron pin;
49.  $120^{\circ} 00'$ —200.00 feet to an iron pin;
50.  $171^{\circ} 00'$ —55.10 feet to a "+" cut on rock;
51.  $64^{\circ} 31'$ —78.70 feet to an iron pin;
52.  $154^{\circ} 31'$ —100.00 feet along the end of a 100-foot roadway to an iron pin;
53.  $244^{\circ} 31'$ —190.00 feet to an iron pin;



54.  $176^{\circ} 34'$ —784.10 feet along Parcel 2 to an iron pin;
55.  $124^{\circ} 17'$ —260.30 feet to an iron pin;
56.  $192^{\circ} 19'$ —211.20 feet to an iron pin;
57.  $175^{\circ} 38'$ —163.00 feet to an iron pin;
58.  $209^{\circ} 44'$ —379.90 feet to an iron pin;
59.  $194^{\circ} 10'$ —307.30 feet to an iron pin;
60.  $207^{\circ} 50'$ —350.50 feet to the point of beginning;  
Containing an area of 210.098 acres, and as delineated on 14th Naval District Drawing No. OA-N1-649.

/s/ JAMES B. MANN,

Registered Professional Surveyor Certificate Number 75.

Honolulu, Hawaii. May 13, 1943.

[380]

## PARCEL 2

Being a portion of R. P. 4475, L. C. Aw. 7713, Apana 46 to V. Kamamalu Situated on the Southwesterly side of Parcel 1 at Waiawa, Ewa, Oahu. T. H.

Beginning at an iron pin at the Southeast corner of this piece of land and on the Southwesterly boundary of Parcel 1, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Ewa Church" being 4,797.63 feet North and 538.50 feet East, and running by true azimuths measured clockwise from South:

1.  $64^{\circ} 31'$ —59.85 feet along Parcel 1 to an iron pin;

2.  $177^{\circ} 36'$ —253.70 feet to an iron pin;
3.  $138^{\circ} 13'$ —141.40 feet to an iron pin;
4.  $143^{\circ} 26'$ —23.65 feet to an iron pin;
5.  $228^{\circ} 14'$ —193.20 feet to an iron pin;
6.  $356^{\circ} 34'$ —481.70 feet along Parcel 1 to the point of beginning;

Containing an area of 0.811 acre, and as delineated on 14th Naval District Drawing No. OA-N1-649.

/s/ JAMES B. MANN,

Registered Professional Surveyor Certificate Number 75.

Honolulu, Hawaii, June 25, 1943.

[381]

### 100-FOOT ROADWAY

Being a portion of R. P. 4475, L. C. Aw. 7713. Apana 46 to V. Kamamalu Situated on the Northeasterly side of the Waiawa Cut-off Road at Waiawa, Ewa, Oahu, T. H.

Beginning at the Southwest corner of this piece of land and on the Northeasterly side of the Waiawa Cut-off Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Ewa Church" being 2,274.69 feet North and 1,153.29 feet West, and running by true azimuths measured clockwise from South:

Along the Northeasterly side of the Waiawa Cut-off Road on a curve to the left with a radius of 1,472.40 feet, the azimuth and distance of the chord being:

1.  $101^{\circ} 05'$ —324.85 feet;

Thence on a curve to the left with a radius of 50.00 feet, the azimuth and distance of the chord being:

2.  $214^{\circ} 52' 30''$ —86.49 feet;

3.  $155^{\circ} 00'$ —39.00 feet;

Thence on a curve to the right with a radius of 550.00 feet, the azimuth and distance of the chord being:

4.  $183^{\circ} 50'$ —530.49 feet;

5.  $212^{\circ} 40'$ —1244.38 feet;

Thence on a curve to the right with a radius of 1,030.00 feet, the azimuth and distance of the chord being:

6.  $228^{\circ} 35' 30''$ —565.22 feet;

7.  $244^{\circ} 31'$ —747.80 feet to an iron pin;

8.  $334^{\circ} 31'$ —100.00 feet along Parcel 2 to an iron pin;

9.  $64^{\circ} 31'$ —747.80 feet;

Thence on a curve to the left with a radius of 930.00 feet, the azimuth and distance of the chord being: [382]

10.  $48^{\circ} 35' 30''$ —510.34 feet;

11.  $32^{\circ} 40'$ —1244.38 feet;

Thence on a curve to the left with a radius of 450.00 feet, the azimuth and distance of the chord being;

12.  $3^{\circ} 50'$ —434.04 feet;

13.  $335^{\circ} 00'$ —74.75 feet;

Thence on a curve to the left with a radius of 269.52 feet, the azimuth and distance of the chord being;

14.  $311^{\circ} 12' 30''$ —217.46 feet to the point of beginning;

Containing an area of 7.440 acres, and as delineated on 14th Naval District Drawing No. OA-N1-649.

Subject to Pole-Line Easement, hereinafter described, said easement being delineated on the aforesaid drawing.

/s/ JAMES B. MANN,

Registered Professional Surveyor Certificate Number 75.

Honolulu, Hawaii, May 13, 1943.

[383]

## POLE LINE EASEMENT

### Over and Across a 100-foot Roadway

Being a portion of R. P. 4475, L. C. Aw. 7713, Apana 46 to V. Kamamalu Situated at Waiawa, Ewa, Oahu, T. H.

Being a strip of land, 50.00 feet wide, extending 25.00 feet on each side of the following described center line:

Beginning at the Southeasterly end of the center line of this easement and on the Easterly side of the 100-foot roadway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Ewa Church" being 2,474.43 feet North and 1,343.22 feet West, and running by true azimuth measured clockwise from South:

1. 127° 00'—173.83 feet to the Westerly side of a 100-foot roadway.

/s/ JAMES B. MANN,

Registered Professional Surveyor Certificate Number 75.

Honolulu, Hawaii, June 8, 1943.

[Endorsed]: Filed Sept. 21, 1944. [384]

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[Title of District Court and Cause No. 533.]

### DECLARATION OF TAKING

Whereas, pursuant to the authority of the Acts of Congress approved March 27, 1942 (Public Law 507, 77th Congress), and August 6, 1942 (Public Law 700, 77th Congress) the above styled condemnation proceeding has been instituted.

Now, Therefore, pursuant to the provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421), I, Secretary of the Navy, do hereby make and cause to be filed this declaration of taking, and by virtue of authority thereof do hereby state that the lands selected for acquisition aggregate 218.349 acres, more or less, at Waiawa Gulch, Waiawa, Oahu, Territory of Hawaii, more particularly described in Exhibit "A" attached hereto and made a part hereof, and delineated on a map entitled "Aviation Supply Depot—Boundary Survey", designated as 14th N. D. Dwg. No. OA-N1-649, dated 6 May 1943, revised 13 May 1943, attached hereto as Exhibit "B" and made a part hereof. [386]



And I do declare said lands to be taken under the authority of the aforesaid acts of Congress; that the use to which said lands are to be put is for aviation storage facilities in connection with the Aviation Supply Depot, and for other Naval purposes, as authorized by said acts.

And I do further declare that the estate to be condemned in this action is as follows:

1. As to Parcels 1 and 2, including all improvements thereon and appurtenances thereunto belonging, full fee simple title;

2. As to Parcel 3, including all improvements thereon and appurtenances thereunto belonging, fee simple title, subject, however, to the following:

(a) The existing rights of the Hawaiian Electric Company, Limited, its successors and assigns, to operate, maintain, and repair, electric power transmission poles and wire lines, over and across said parcel; said rights having been acquired by the said Hawaiian Electric Company, Limited, from the Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, by instruments dated September 23, 1943 and July 31, 1944, recorded in the Bureau of Conveyances of the Territory of Hawaii in Liber 1846, at pages 244-251, and in Liber 1852, at pages 10-20.

(b) The right hereby reserved to the present fee owners, their successors, assigns, and permittees, to use said Parcel 3 as a roadway in common, however, with the United States of America, and its permittees.

And I, Secretary of the Navy, do hereby state

that the sum of money estimated by me to be just compensation for said lands and all improvements thereon and appurtenances thereunto belonging, is Eighteen Thousand Seven Hundred Seventy-Nine Dollars (\$18,779.00), which sum is hereby deposited into the registry of the court for the use and benefit of the persons entitled thereto. [387]

The ostensible owner of the property is the Bernice P. Bishop Estate.

I am of the opinion that the ultimate award for the taking of said lands will be within the limits prescribed by Congress.

In Witness Whereof, the petitioner, by and through the Secretary of the Navy, has caused this declaration of taking to be signed in the City of Washington, District of Columbia, this 24th day of July, 1945.

UNITED STATES  
OF AMERICA,

By /s/ JAMES FORRESTAL. [388]

EXHIBIT "A"

PARCEL 1

Being a portion of R. P. 4475, L. C. Aw. 7713 Apana 46 to V. Kamamalu Situated at Waiawa. Ewa, Oahu, T. H.

Beginning at an iron pin on the Northerly boundary of this piece of land, the true azimuth and distance from a 1¼" pipe called "Flag" being 24° 58' 157.70 feet, the coordinates of said 1¼" pipe

referred to Government Survey Triangulation Station "Ewa Church" being 7,176.56 feet North and 802.93 feet East, and running by true azimuths measured clockwise from South:

1.  $229^{\circ} 40'$ —309.80 feet to an iron pin;
2.  $242^{\circ} 54'$ —190.90 feet to an iron pin;
3.  $247^{\circ} 57'$ —207.40 feet to an iron pin;
4.  $249^{\circ} 59'$ —264.30 feet to an iron pin;
5.  $265^{\circ} 16'$ —148.80 feet to an iron pin;
6.  $249^{\circ} 54'$ —255.80 feet to an iron pin;
7.  $246^{\circ} 39'$ —183.00 feet to an iron pin;
8.  $238^{\circ} 37'$ —217.80 feet to an iron pin;
9.  $238^{\circ} 20'$ —395.80 feet to an iron pin, the azimuth and distance from a  $1\frac{1}{2}"$  pipe called "Red" being  $321^{\circ} 41' 59.70$  feet;
10.  $221^{\circ} 17'$ —563.20 feet to an iron pin;
11.  $239^{\circ} 44'$ —198.20 feet to an iron pin;
12.  $214^{\circ} 04'$ —371.30 feet to an iron pin;
13.  $195^{\circ} 52'$ —105.50 feet to an iron pin;
14.  $197^{\circ} 06''$ —114.00 feet to an iron pin;
15.  $184^{\circ} 15'$ —839.30 feet to an iron pin;
16.  $237^{\circ} 45'$ —771.00 feet to an iron pin;
17.  $269^{\circ} 51'$ —321.10 feet to an iron pin;
18.  $312^{\circ} 34'$ —298.20 feet to an iron pin;
19.  $320^{\circ} 04'$ —527.50 feet to an iron pin;
20.  $3^{\circ} 18'$ —269.50 feet to an iron pin; [389]
21.  $9^{\circ} 17'$ —394.10 feet to an iron pin;
22.  $4^{\circ} 16'$ —1381.60 feet to an iron pin;
23.  $60^{\circ} 18'$ —115.00 feet to an iron pin;
24.  $105^{\circ} 06'$ —138.70 feet to an iron pin, the azimuth and distance from a  $1\frac{1}{2}"$  pipe called "Cane 2" being  $100^{\circ} 32' 79.65$  feet;

25.  $100^{\circ} 49'$ —517.90 feet to an iron pin;
26.  $86^{\circ} 04'$ —298.80 feet to an iron pin;
27.  $61^{\circ} 30'$ —163.40 feet to an iron pin;
28.  $56^{\circ} 51'$ —250.30 feet to an iron pin, the azimuth and distance from a  $1\frac{1}{2}"$  pipe called "Slope" being  $30^{\circ} 00'$  98.60 feet;
29.  $43^{\circ} 53'$ —471.10 feet to an iron pin;
30.  $37^{\circ} 08'$ —330.60 feet to an iron pin;
31.  $56^{\circ} 59'$ —612.10 feet to an iron pin;
32.  $72^{\circ} 30'$ —234.80 feet to an iron pin;
33.  $61^{\circ} 48'$ —289.50 feet to an iron pin;
34.  $43^{\circ} 52'$ —95.90 feet to an iron pin;
35.  $29^{\circ} 27'$ —79.00 feet to an iron pin, the azimuth and distance from a  $1\frac{1}{2}"$  pipe called "Bluff" being  $23^{\circ} 55'$  180.00 feet;
36.  $18^{\circ} 58'$ —216.40 feet to an iron pin;
37.  $41^{\circ} 45'$ —168.90 feet to an iron pin;
38.  $43^{\circ} 42'$ —162.10 feet to an iron pin;
39.  $25^{\circ} 03'$ —202.70 feet to an iron pin;
40.  $11^{\circ} 58'$ —171.80 feet to an iron pin;
41.  $6^{\circ} 23'$ —499.90 feet to an iron pin;
42.  $19^{\circ} 18'$ —200.80 feet to an iron pin;
43.  $30^{\circ} 49'$ —136.60 feet to an iron pin;
44.  $46^{\circ} 52'$ —116.30 feet to an iron pin;
45.  $57^{\circ} 18'$ —292.70 feet to an iron pin;
46.  $65^{\circ} 46'$ —150.80 feet to an iron pin;
47.  $83^{\circ} 44'$ —98.50 feet to an iron pin: [390]
48.  $172^{\circ} 00'$ —230.00 feet to an iron pin;
49.  $120^{\circ} 00'$ —200.00 feet to an iron pin;
50.  $171^{\circ} 00'$ —55.10 feet to a "+" cut on rock;
51.  $64^{\circ} 31'$ —78.70 feet to an iron pin;
52.  $154^{\circ} 31'$ —100.00 feet along the end of a 100-foot roadway to an iron pin;

53.  $244^{\circ} 31'$ —190.00 feet to an iron pin;
54.  $176^{\circ} 34'$ —784.10 feet along Parcel 2 to an iron pin;
55.  $124^{\circ} 17'$ —260.30 feet to an iron pin;
56.  $192^{\circ} 19'$ —211.20 feet to an iron pin;
57.  $175^{\circ} 38'$ —163.00 feet to an iron pin;
58.  $209^{\circ} 44'$ —379.90 feet to an iron pin;
59.  $194^{\circ} 10'$ —307.30 feet to an iron pin;
60.  $207^{\circ} 50'$ —350.50 feet to the point of beginning;  
Containing an area of 210.098 acres, and as delineated on 14th Naval District Drawing No. OA-N1-649.

/s/ JAMES B. MANN,

Registered Professional Surveyor Certificate Number 75.

Honolulu, Hawaii, May 13, 1943.

[391]

## PARCEL 2

Being a portion of R. P. 4475, L. C. Aw. 7713, Apana 46 to V. Kamamalu Situated on the Southwesterly side of Parcel 1 at Waiawa, Ewa, Oahu T. H.

Beginning at an iron pin at the Southeast corner of this piece of land and on the Southwesterly boundary of Parcel 1, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Ewa Church" being 4,797.65 feet North and 538.50 feet East, and running by true azimuths measured clockwise from South:

1.  $64^{\circ} 31'$ —59.85 feet along Parcel 1 to an iron pin;



2.  $177^{\circ} 36'$ —253.70 feet to an iron pin;
3.  $138^{\circ} 13'$ —141.40 feet to an iron pin;
4.  $143^{\circ} 26'$ —23.65 feet to an iron pin;
5.  $228^{\circ} 14'$ —193.20 feet to an iron pin;
6.  $356^{\circ} 34'$ —481.70 feet along Parcel 1 to the point of beginning;

Containing an area of 0.811 acre, and as delineated on 14th Naval District Drawing No. OA-N1-649.

/s/ JAMES B. MANN,

Registered Professional Surveyor Certificate Number 75.

Honolulu, Hawaii, June 25, 1943.

[392]

### PARCEL 3

Being a portion of R. P. 4475, L. C. Aw. 7713, Apana 46 to V. Kamamalu, situated on the Northeasterly side of the Waiawa Cut-off Road at Waiawa, Ewa, Oahu, T. H.

Beginning at the Southwest corner of this piece of land and on the Northeasterly side of the Waiawa Cut-off Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Ewa Church" being 2,274.69 feet North and 1,153.29 feet West, and running by true azimuths measured clockwise from South:

Along the Northeasterly side of the Waiawa Cut-off Road on a curve to the left with a radius of 1,472.40 feet, the azimuth and distance of the chord being:

1.  $101^{\circ} 05'$ —324.85 feet;  
Thence on a curve to the left with a radius of 50.00 feet, the azimuth and distance of the chord being:
2.  $214^{\circ} 52' 30''$ —86.49 feet;
3.  $155^{\circ} 00'$ —39.00 feet;  
Thence on a curve to the left with a radius of 550.00 feet, the azimuth and distance of the chord being:
4.  $183^{\circ} 50'$ —530.49 feet;
5.  $212^{\circ} 40'$ —1244.38 feet;  
Thence on a curve to the right with a radius of 1,030.00 feet, the azimuth and distance of the chord being:
6.  $228^{\circ} 35' 30''$ —565.22 feet;
7.  $244^{\circ} 31'$ —747.80 feet to an iron pin;
8.  $334^{\circ} 31'$ —100.00 feet along Parcel 2 to an iron pin;
9.  $64^{\circ} 31'$ —747.80 feet;  
Thence on a curve to the left with a radius of 930 feet, the azimuth and distance of the chord being: [393]
10.  $48^{\circ} 35' 30''$ —510.34 feet;
11.  $32^{\circ} 40'$ —1244.38 feet;  
Thence on a curve to the left with a radius of 450.00 feet, the azimuth and distance of the chord being:
12.  $3^{\circ} 50'$ —434.04 feet;
13.  $335^{\circ} 00'$ —74.75 feet;  
Thence on a curve to the left with a radius of 269.52 feet the azimuth and distance of the chord being:

14. 311° 12' 30"—217.46 feet to the point of beginning; Containing an area of 7.440 acres, and as delineated on 14th Naval District Drawing No. OA-N1-649.

/s/ JAMES B. MANN,

Registered Professional Surveyor, Certificate Number 75.

Honolulu, Hawaii, May 13, 1943.

[Endorsed]: Filed Aug. 13, 1945. [394]

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[Title of District Court and Cause No. 533.]

MOTION FOR ORDER AMENDING  
PETITION

Now comes the Petitioner, United States of America, by its attorney, Charles F. Rathbun, Special Assistant to the Attorney General, and moves that this Court enter an order amending the Petition in Condemnation heretofore filed in this cause by striking all of Paragraph III of said Petition in Condemnation and substituting therefore a new Paragraph III as follows:

“That the estate sought to be condemned in this action is as follows:

1. As to Parcels 1 and 2, including all improvements thereon and appurtenances thereunto belonging, full fee simple title;
2. As to Parcel 3, the said Parcel 3 being the 100' roadway described and shown on Exhibits “A” and “B” attached to the Petition in Condemnation

herein, including all improvements thereon and appurtenances thereunto belonging, fee simple title, subject, however, to the following: [396]

(a) The existing rights of the Hawaiian Electric Company, Limited, its successors and assigns, to operate, maintain, and repair, electric power transmission poles and wire lines, over and across said parcel; said rights having been acquired by the said Hawaiian Electric Company, Limited, from the Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, by instruments dated September 23, 1943 and July 31, 1944, recorded in the Bureau of Conveyances of the Territory of Hawaii in Liber 1846, at pages 244-251, and in Liber 1852, at pages 10-20.

(b) The right hereby reserved to the present fee owners, their successors, assigns, and permittees, to use said Parcel 3 as a roadway in common, however, with the United States of America, and its permittees."

Petitioner states that it is necessary that the petition herein be amended to more accurately define the estate being taken.

Dated Honolulu, T. H., this 13th day of August, 1945.

UNITED STATES OF  
AMERICA,

By /s/ CHARLES F. RATHBUN,  
Special Assistant to the  
Attorney General.

[Endorsed]: Filed Aug. 13, 1945. [397]

[Title of District Court and Cause No. 533.]

### ORDER AMENDING PETITION

Now this 13th day of August, 1945, upon motion by the Petitioner, United States of America, by its attorney, Charles F. Rathbun, Special Assistant to the Attorney General, it appearing that it is necessary to more accurately define the estate being taken in the land described and shown on Exhibits "A" and "B" attached to the Petition in Condemnation filed herein,

It is ordered:

That the Petition in Condemnation be amended by striking all of Paragraph III of said Petition in Condemnation and substituting therefore a new Paragraph III as follows:

"That the estate sought to be condemned in this action is as follows:

1. As to Parcels 1 and 2, including all improvements thereon and appurtenance thereunto belonging, full fee simple title.

2. As to Parcel 3, the said Parcel 3 being the 100' roadway described and shown on Exhibits "A" and "B" attached to the Petition in Condemnation herein, including all improvements thereon and appurtenances thereunto belonging, fee simple title, subject, however, to the following: [398]

(a) The existing rights of the Hawaiian Electric Company, Limited, its successors and assigns, to operate, maintain, and repair, electric power transmission poles and wire lines, over and across



said parcel; said rights having been acquired by the said Hawaiian Electric Company, Limited, from the Trustees under the Will and of the Estate of Bernice P. Bishop, deceased, by instruments dated September 23, 1943 and July 31, 1944, recorded in the Bureau of Conveyances of the Territory of Hawaii in Liber 1846, at pages 244-251, and in Liber 1852, at pages 10-20.

(b) The right hereby reserved to the present fee owners, their successors, assigns, and permittees, to use said Parcel 3 as a roadway in common, however, with the United States of America, and its permittees."

Dated: Honolulu, T. H., this 13th day of August, 1945.

/s/ J. FRANK McLAUGHLIN,  
Judge of the United States District Court for the  
District of Hawaii.

[Endorsed]: Filed Aug. 13, 1945. [399]

In the District Court of the United States  
for the District of Hawaii

April Term 1945

Civil No. 533

UNITED STATES OF AMERICA,

Petitioner,

v.

218.349 ACRES OF LAND, more or less, at Wai-  
awa Gulch, Waiawa, Oahu, Territory of Hawaii;  
George Miles Collins, John Kirkwood Clarke,  
Frank Elbert Midkiff, Edwin Pauhaulani Mur-  
ray and Joseph Boyd Poindexter, Trustees  
under the Will and of the Estate of Bernice  
P. Bishop, et al.,

Defendants.

## ORDER AND JUDGMENT ON DECLARATION OF TAKING

It appearing that on September 21, 1944, the United States of America, filed a Petition for condemnation of certain land described and shown on Exhibits "A" and "B" attached to the Declaration of Taking filed herein; and

It further appearing that said Declaration of Taking was filed in the above cause on the 13th day of August, 1945, said Declaration of Taking being signed by James Forrestal, Secretary of the Navy, under and pursuant to provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421), declaring taken the full fee simple title to Parcels 1 and 2, including all improvements thereon

and appurtenances thereunto belonging, and declaring taken the full fee simple title as to Parcel 3, which said Parcel 3 is the 100' roadway described and shown on Exhibits "A" and "B" attached to the Petition in Condemnation herein, including all improvements thereon and appurtenances thereunto belonging, subject, however, to certain rights more fully set forth in said Declaration of Taking; that the uses of said land are those described in the Declaration of Taking and in the Petition filed [400] herein; and that the said Declaration of Taking sets forth the estimate of just compensation made pursuant to law and that contemporaneously with the filing of said Declaration of Taking, there was deposited in the Registry of this Court for the use and benefit of the persons entitled thereto the sum of Eighteen Thousand Seven Hundred Seventy-Nine Dollars (\$18,779.00),

It is ordered, adjudged and decreed that by virtue of the filing of said Declaration of Taking and the deposit of said money, full fee simple title to the land described and shown on Exhibits "A" and "B", attached to the said Declaration of Taking, together with all improvements thereon and appurtenances thereunto belonging, be and it is hereby indefeasibly vested in the United States of America, subject to the rights recited in said Declaration of Taking in favor of Hawaiian Electric Company, Limited and to the present fee owners, their successors, assigns and permittees as to Parcel 3.

It is further ordered that a copy of this Order be promptly served by the United States Marshal

upon each of the defendants in this cause. The Marshal is further ordered to post a copy hereof in a conspicuous place on the premises and to forthwith make due return of his said service to this Court.

Dated: Honolulu, T. H., this 13th day of August, 1945.

J. FRANK McLAUGHLIN,  
Judge of the United States District Court for the  
District of Hawaii.

[Endorsed]: Filed Aug. 13, 1945. [401]

In the District Court of the United States for the  
District of Hawaii

October Term 1944

Civil No. 535

UNITED STATES OF AMERICA,

Petitioner,

vs.

145.848 acres of land, more or less situate at Halawa and Aiea, Ewa, Island of Oahu, Territory of Hawaii; GEORGE MILES COLLINS, JOHN KIRKWOOD CLARKE, FRANK ELBERT MIDKIFF, EDWIN PAUHAULANI MURRAY and JOSEPH BOYD POINDEXTER, Trustees under the Will and of the Estate of BERNICE P. BISHOP: HONOLULU PLANTATION COMPANY, a California corporation; HAWAIIAN ELECTRIC COMPANY, LTD., an Hawaiian corporation: A. LESTER MARKS, Executor of the Estate of L. L. McCandless; BISHOP TRUST COMPANY, LTD., Administrator with the Will Annexed of the Estate of L. L. McCandless; A. LESTER MARKS, ELIZABETH LOY MARKS, and ELIZABETH JANET CARTWRIGHT McCANDLESS, Trustees under the Will and of the Estate of L. L. McCandless; HAWAIIAN TRUST COMPANY, an Hawaiian corporation: MANUEL COSTA, JR.; CITY AND COUNTY OF HONOLULU; TERRITORY OF HAWAII: and all other persons, companies or corporations, either known or unknown, who claim to have or own any right, title or interest of any character whatever in said land:

Defendants.

### PETITION FOR CONDEMNATION

To the Honorable, the Presiding Judges of the  
United States District Court for the District of  
Hawaii:

Now comes the United States of America, by  
Robert S. Tarnay, Special Assistant to the Attor-



ney General, acting under the instructions of the Attorney General of the United States and at the request of the Secretary of Navy and respectfully represents to the Court: [402]

## I.

That this proceeding is instituted under the authority of divers and Sundry Acts of Congress, among them the following:

The Act of Congress approved March 27, 1942 (Public Law 507—77th Congress)

The Act of Congress approved August 6, 1942 (Public Law 700—77th Congress)

The Act of Congress approved June 26, 1943 (Public Law 92—78th Congress)

The Act of Congress approved January 28, 1944 (Public Law 224—78th Congress)

and that the Secretary of Navy, acting under authority vested in him by law has determined that it is necessary that the United States of America acquire by condemnation, by judicial process, certain lands, more particularly described in Exhibits "A1", "A2" and "A3", hereto annexed and made parts hereof as though set forth at length and shown upon maps marked Exhibits "B1", "B2" and "B3", also attached hereto.

## II.

That the lands sought to be condemned are located at Halawa and Aiea, Island of Oahu, Territory of Hawaii, and lie wholly within the jurisdiction of this Court.

## III.

That the estate to be condemned in this action is the fee simple title, subject to all existing public utility, pipe line, irrigation, drainage and railroad easements, and subject to the right of the public to use the boundary roads of the area, if any, said land to be used in connection with the Aiea Naval Barracks.

## IV.

That George Miles Collins, John Kirkwood Clarke, Frank Elbert Midkiff, Edwin Pauhaulani Murray and Joseph Boyd Poindexter, Trustees under the Will and of the Estate of Bernice P. Bishop; Honolulu Plantation Company, a California corporation; Hawaiian Electric Company, Ltd., an Hawaiian corporation; A. Lester Marks, Executor of the Estate of L. L. McCandless; Bishop Trust Company, Ltd., Administrator [403] with the Will Annexed of the Estate of L. L. McCandless; A. Lester Marks, Elizabeth Loy Marks, and Elizabeth Janet Cartwright McCandless, Trustees under the Will and Estate of L. L. McCandless; Hawaiian Trust Company, an Hawaiian corporation; Manuel Costa, Jr.; City and County of Honolulu; Territory of Hawaii and all other persons, companies or corporations, either known or unknown, who claim to have or own any right, title or interest of any character whatever in said lands are made defendants herein.

## V.

That the Secretary of Navy of the United States has determined that the utmost haste in expediting

this project is vital to the War purposes of the United States and that he has, therefore, determined that possession of said lands, to the extent of the interest to be acquired therein, is necessary by the United States and that certain and adequate provisions have been made for the payment of just compensation which may be adjudged due for the condemnation of the land described and shown on Exhibits "A1", "A2" and "A3" and "B1", "B2" and "B3".

That the land described and shown on Exhibits "A1" and "B1" is presently under lease to the petitioner, covering approximately 100 acres.

That the petitioner has been in possession of 26.195 acres, described and shown on Exhibits "A3" and "B3" as "Second Additional Area", from and since January 5, 1944 pursuant to right of entry.

That the petitioner has been in possession of 15.076 acres, described and shown on Exhibits "A2" and "B2", from and since March 1, 1944.

That the petitioner has been in possession of 1.716 acres, described and shown on Exhibits "A3" and "B3" as a portion of "Third Additional Area", from and since August 21, 1944.

That the petitioner has been in possession of 2.732 acres, described and shown on Exhibits "A3" and "B3" as a portion of [404] "Third Additional Area", from and since August 29, 1944.

Wherefore, your Petitioner prays this Honorable Court to take jurisdiction of this cause and enter all orders, judgments and decrees necessary to determine title of said real estate condemned,

or any part thereof, and to fix and determine that the continued possession of the lands identified in Paragraph V is necessary for the War and Naval purposes of the United States; that upon payment into the registry of this Court for the use of the persons entitled thereunto of the sum adjudged to be full compensation for the condemnation of said land, that title to said land be vested in the United States of America, in fee simple, subject to the exceptions set forth in Paragraph III, and that the Court make distribution of the final awards among the persons entitled thereto as expeditiously as may be and for such other and further relief as to the Court may seem just and proper in the premises.

UNITED STATES OF  
AMERICA,

By /s/ CHARLES F. RATHBUN,  
Special Assistant to the  
Attorney General,

By /s/ ROBERT S. TARNAY,  
Special Assistant to the  
Attorney General.

(Duly Verified.) [405]

## EXHIBIT A-1

DESCRIPTIONS OF PORTIONS A, B, AND C,  
LAND SITUATED AT HALAWA,  
EWA, OAHU, T. H.

Revised October 11, 1943

To Conform to the Widening of Kamehameha  
Highway

## PORTION A

Estate of L. L. McCandless—Owner

Land situated near the Southeast side of Kamehameha Highway approximately 300 feet East of Halawa Bridge at Halawa, Ewa, Oahu, T. H.

Being the Whole of Royal Patent 457, Land Commission Award 2131, Apana 1 to Kanihoalii for Kaukiwaa.

Beginning at the Southwest corner of this parcel of land, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 763.60 feet North and 9583.20 feet West, and running by azimuths measured clockwise from true South:

1.  $164^{\circ} 00'$ —124.00 feet along L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui;
2.  $155^{\circ} 00'$ —186.00 feet along L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui;
3.  $234^{\circ} 00'$ —83.00 feet along L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui;
4.  $338^{\circ} 15'$ —319.00 feet along L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui;



## Exhibit A-1.—(Continued)

5.  $61^{\circ} 00'$ —83.00 feet along L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to the point of beginning and containing an area of 0.545 acres, and as delineated on 14th Naval District Drawing No. OA-N1-490. [407]

## PORTION B

Trustees of B. P. Bishop Estate—Owners

Land situated on the Southeast side of Kamehameha Highway and on the southerly side of new highway to Aiea Naval Hospital and on the Southwest side of Moanalua Road at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land Commission Award 7712 at 8516-B to M. Kekuanaoa and Kamaikui.

Beginning at a pipe at the North corner of this parcel of land, at the South corner of the new highway to Aiea Naval Hospital and Moanalua Road, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3780.28 feet North and 6221.95 feet West, and running by azimuths measured clockwise from true South:

1.  $305^{\circ} 27'$ —53.56 feet along the Southwest side of Moanalua Road to a pipe. Thence along the Southwest side of Moanalua Road, on a curve to the left, with a radius of 1007.00 feet, the direct azimuth and distance being:

## Exhibit A-1—(Continued)

2. 294° 03' 09"—398.00 feet to a pipe;
3. 25° 53'—151.85 feet along the remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
4. 59° 25'—54.00 feet along remainder of L. C. Aw. 7712 [408] and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
5. 63° 59'—244.60 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
6. 69° 59'—169.60 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
7. 86° 26' 30"—188.50 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
8. 97° 48'—112.80 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
9. 78° 52'—197.40 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
10. 79° 49'—188.00 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
11. 66° 23'—99.50 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
12. 82° 43'—115.80 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;

## Exhibit A-1—(Continued)

13. 75° 40'—201.10 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
14. 62° 17'—186.20 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
15. 76° 08'—117.50 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
16. 79° 06' 30"—110.90 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
17. 69° 09'—77.50 feet along remainder of L. C. Aw. 7712 [409] and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
18. 39° 42'—98.10 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
19. 5° 03' 30"—176.20 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
20. 13° 31'—174.60 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
21. 58° 35'—27.50 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
22. 94° 12'—243.30 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
23. 55° 19'—189.90 feet along remainder of L. C.

## Exhibit A-1—(Continued)

- Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
24. 45° 00'—167.10 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
25. 19° 47'—122.55 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
26. 3° 16' 30"—54.65 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
27. 325° 54'—116.65 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
28. 298° 50'—149.50 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
29. 299° 31'—166.55 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
30. 351° 36'—71.95 feet along remainder of L. C. Aw. 7712 [410] and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
31. 14° 29'—77.40 feet along remainder of L. C. Aw. 7712 and 8516-B to a pipe;
32. 28° 13'—90.85 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
33. 48° 35'—288.20 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;

## Exhibit A-1—(Continued)

34. 53° 06'—131.25 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
35. 39° 11'—90.05 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
36. 59° 42'—36.10 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
37. 89° 41'—160.10 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
38. 32° 32'—139.60 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
39. 46° 50' 30"—188.70 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
40. 34° 14' 30"—72.35 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
41. 12° 13'—248.80 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
42. 18° 31'—43.05 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
43. 62° 42' 30"—53.50 feet along remainder of L. C. Aw. 7712 [411] and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;



## Exhibit A-1—(Continued)

44.  $114^{\circ} 00'$ —65.15 feet along L. C. Aw. 1983 to Hapule to a pipe;
45.  $355^{\circ} 00'$ —41.70 feet along L. C. Aw. 1983 to Hapule to a pipe;
46.  $84^{\circ} 43'$ —51.10 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
47.  $101^{\circ} 16'$ —110.10 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
48.  $96^{\circ} 05'$ —124.70 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
49.  $81^{\circ} 30'$ —80.00 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
50.  $350^{\circ} 30'$ —197.25 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
51.  $66^{\circ} 55'$ —54.53 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to the middle of Halawa Stream. Thence following down along Halawa Stream along Parcel 4-C of the Makalapa Lands for the next two (2) courses, the direct azimuths and distances between points in middle of said stream being:
52.  $153^{\circ} 26'$ —25.00 feet;
53.  $123^{\circ} 50'$ —325.29 feet to the Southeast side of Kamehameha Highway;

## Exhibit A-1—(Continued)

54.  $203^{\circ} 32'$ —116.70 feet along the Southeast side of Kamehameha Highway;
55.  $293^{\circ} 32'$ —15.00 feet along the Southeast side of Kamehameha Highway; [412]
56.  $203^{\circ} 32'$ —710.19 feet along the Southeast side of Kamehameha Highway. Thence along the Southeast side of Kamehameha Highway, on a curve to the right, with a radius of 5679.65 feet, the direct azimuth and distance being:
57.  $204^{\circ} 25' 57''$ —178.26 feet;
58.  $115^{\circ} 19' 54''$ —15.00 feet along the Southeast side of Kamehameha Highway. Thence along the Southeast side of Kamehameha Highway on a curve to the right, with a radius of 5694.65 feet, the direct azimuth and distance being:
59.  $207^{\circ} 13' 42''$ —376.95 feet;
60.  $209^{\circ} 07' 30''$ —1204.14 feet along the Southeast side of Kamehameha Highway. Thence along the Southeast side of the new highway to Aiea Naval Hospital, on a curve to the right, with a radius of 400.00 feet, the direct azimuth and distance being:
61.  $225^{\circ} 41' 45''$ —228.16 feet;
62.  $242^{\circ} 16'$ —392.61 feet along the Southeast side of the new highway to Aiea Naval Hospital. Thence along the Southeast side of the new highway to Aiea Naval Hospital, on a curve to the right, with a radius of 2834.79 feet, the direct azimuth and distance being:
63.  $249^{\circ} 06' 55''$ —676.08 feet;
64.  $345^{\circ} 57' 50''$ —5.00 feet along the Southerly

## Exhibit A-1—(Continued)

side of the new highway to Aiea Naval Hospital. Thence along the Southerly side of the new highway to Aiea Naval [413] Hospital, on a curve to the right, with a radius of 2829.79 feet, the direct azimuth and distance being:

65.  $258^{\circ} 22' 10''$ —237.55 feet;
66.  $260^{\circ} 46' 30''$ —121.50 feet along the Southerly side of the new highway to Aiea Naval Hospital;
67.  $170^{\circ} 46' 30''$ —5.00 feet along the Southerly side of the new highway to Aiea Naval Hospital;
68.  $260^{\circ} 46' 30''$ —1050.32 feet along the Southerly side of new highway to Aiea Naval Hospital to the point of beginning and containing a gross area of 75.091 acres and a net area of 74.546 acres, after excluding and deducting Portion A described as follows: (and as designated on 14th Naval District Drawing No. OA-N1-490).

## PORTION A

Estate of L. L. McCandless—Owner

Land situated near the Southeast side of Kamehameha Highway approximately 300 feet East of Halawa Bridge at Halawa, Ewa, Oahu, T. H.

Being the Whole of Royal Patent 457, Land Commission Award 2131, Apana 1 to Kanihoalii for Kaukiwaa.

Beginning at the Southwest corner of this parcel of land, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 763.60 feet North and 9583.20 feet

## Exhibit A-1—(Continued)

West, and running by azimuths measured clockwise from true South:

1. 164° 00'—124.00 feet along L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui; [414]
2. 155° 00'—186.00 feet along L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui;
3. 234° 00'—83.00 feet along L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui;
4. 338° 15'—319.00 feet along L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui;
5. 61° 00'—83.00 feet along L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to the point of beginning and containing an area of 0.545 acre, and as delineated on 14th Naval District Drawing No. OA-N1-490.

Portion B is subject to the following easements, said easements being delineated on aforesaid drawing.

## EASEMENTS 1-A and 1-B

The Hawaiian Electric Co., Ltd.'s Easement for Transmission Line Fifty (50) Feet Wide

Land situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land Commission Award 7712 and 8516-B to M. Kekuanaoa and Kamaikui.

## Centerline Description of Easement 1-A.

Beginning on the Southeasterly boundary of Portion B, and on the centerline of the Hawaiian Electric Co., Ltd.'s easement, the coordinates of which

## Exhibit A-1—(Continued)

referred to Government Survey Triangulation Station "Salt Lake" being 1731.59 feet North and 8216.66 feet West, and running by azimuth measured clockwise from true South:

1.  $173^{\circ} 52' 30''$ —142.96 feet. [415]

## Centerline Description of Easement 1-B.

Beginning on the Southeasterly boundary of Portion B, and on the centerline of the Hawaiian Electric Co., Ltd.'s easement, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 2461.06 feet North and 8294.92 feet West, and running by azimuth measured clockwise from true South:

1.  $173^{\circ} 52' 30''$ —776.24 feet to the Southeasterly side of the new highway to Aiea Naval Hospital.

## EASEMENT 3-B

Honolulu Plantation Co.'s Easement for Railroad  
Sixteen (16) Feet Wide

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land Commission Award 7712 and 8516-B to M. Kekua-nao and Kamaikui.

## Centerline Description.

Beginning on the Northerly boundary of Portion B, and on the Southerly side of the new highway to Aiea Naval Hospital, the coordinates of which referred to Government Survey Triangulation Sta-



## Exhibit A-1—(Continued)

tion "Salt Lake" being 3543.45 feet North and 7594.97 feet West, and running by azimuths measured clockwise from true South:

On a curve to the right, with a [416] radius of 520.10 feet, the direct azimuth and distance being:

1.  $289^{\circ} 31' 02''$ —108.42 feet;
2.  $295^{\circ} 30'$ —232.11 feet.

Thence on a curve to the right, with a radius of 1302.50 feet, the direct azimuth and distance being:

3.  $303^{\circ} 57' 16''$ —383.00 feet to the Southerly boundary of Portion B.

## EASEMENT 4-B

The United States of America Perpetual Easement Five (5) Feet Wide Dated May 28, 1940, Recorded in Liber 1581, Page 385, in the Bureau of Conveyances at Honolulu.

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land Commission Award 7712 and 8516-B to M. Kekuaaoa and Kamaikui.

## Centerline Description.

Beginning on the Northerly boundary of Portion B, and on the Southerly boundary of the new highway to Aiea Naval Hospital, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3542.14 feet North

## Exhibit A-1—(Continued)

and 7600.39 feet West, and running by azimuths measured clockwise from true South:

1.  $281^{\circ} 16'$ —30.32 feet;
2.  $291^{\circ} 21'$ —99.37 feet; [417]
3.  $296^{\circ} 02'$ —247.82 feet;
4.  $301^{\circ} 27'$ —154.82 feet;
5.  $396^{\circ} 27'$ —133.94 feet;
6.  $313^{\circ} 34'$ —56.76 feet to the Southerly boundary of Portion B.

## EASEMENT 5-B

Honolulu Plantation Co.'s Easement for Ditch  
Six (6) Feet Wide

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land Commission Award 7712 and 8516-B to M. Kekua-naoa and Kamaikui.

## Centerline Description.

Beginning on the Southerly boundary of Portion B, and on the centerline of the Honolulu Plantation Co.'s easement for ditch six (6) feet wide, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3045.51 feet North and 7462.46 feet West, and running by azimuths clockwise from true South:

1.  $200^{\circ} 20'$ —42.25 feet;
2.  $187^{\circ} 22'$ —11.85 feet;
3.  $183^{\circ} 31'$ —363.90 feet;
4.  $225^{\circ} 54'$ —207.00 feet to the Southerly side of the new highway to Aiea Naval Hospital. [418]

## Exhibit A-1—(Continued)

## EASEMENT 6

Honolulu Plantation Co.'s Easement for Ditch  
Six (6) Feet Wide

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land Commission Award 7712 and 8516-B to M. Kekunaoa and Kamaikui.

## Centerline Description.

Beginning on the Southerly boundary of Portion B, and on the centerline of the Honolulu Plantation Co.'s easement for ditch six (6) feet wide, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3248.77 feet North and 6448.58 feet West, and running by azimuths measured clockwise from true South:

1.  $246^{\circ} 23'$ —16.95 feet;
2.  $255^{\circ} 31'$ —38.45 feet;
3.  $175^{\circ} 10'$ —479.00 feet;
4.  $260^{\circ} 46' 30''$ —214.30 feet;
5.  $305^{\circ} 27'$ —55.27 feet;
6.  $302^{\circ} 30'$ —140.00 feet;
7.  $298^{\circ} 00'$ —105.00 feet;
8.  $290^{\circ} 26' 30''$ —110.30 feet;
9.  $263^{\circ} 00'$ —10.00 feet;
10.  $208^{\circ} 30'$ —14.00 feet to the Southerly side of Moanalua Road. [419]

## Exhibit A-1—(Continued)

## EASEMENT 7-B

Mutual Telephone Co.'s Easement for Telephone  
Line Ten (10) Feet Wide

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land Commission Award 7712 and 8516-B to M. Kekua-naoa and Kamaikui.

## Centerline Description.

Beginning on the Southerly boundary of Portion B, and on the centerline of the Mutual Telephone Co.'s easement for telephone line ten (10) feet wide, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3251.74 feet North and 6400.77 feet West, and running by azimuth measured clockwise from true South:

1.  $177^{\circ} 07'$ —496.08 feet to the Southerly side of the new highway to Aiea Naval Hospital.

## EASEMENT 8-A

Hawaiian Electric Co., Ltd.'s Easement for Trans-  
mission Line Ten (10) Feet Wide

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land Commission Award 7712 and 8516-B to M. Kekua-naoa and Kamaikui. [420]

## Centerline Description.

Beginning on the Northeasterly boundary of Por-

## Exhibit A-1—(Continued)

tion B, and on the Southwest side of Moanalua Road, on the centerline of the Hawaiian Electric Co., Ltd.'s easement for transmission line ten (10) feet wide, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3723.31 feet North and 6140.09 feet West, and running by azimuths measured clockwise from true South:

1.  $304^{\circ} 25' 30''$ —352.94 feet;
2.  $320^{\circ} 31'$ —3.36 feet to the Southerly boundary of Portion B.

## EASEMENT 8-B

Hawaiian Electric Co., Ltd.'s Easement for Transmission Line Ten (10) Feet Wide

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land Commission Award 7712 and 8516-B to M. Kekua-naoia and Kamaikui. [421]

## Centerline Description.

Beginning on the centerline of Easement 8-A, above described, and on the centerline of the Hawaiian Electric Co., Ltd.'s easement for transmission line ten (10) feet wide, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3634.25 feet North and 6010.14 feet West, and running by azimuth measured clockwise from true South:

1.  $323^{\circ} 39' 15''$ —221.83 feet to the Southerly boundary of Portion B.



## Exhibit A-1—(Continued)

## EASEMENT 9-B

Honolulu Plantation Co.'s Easement for Electric  
Transmission Line Ten (10) Feet Wide

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land  
Commission Award 7712 and 8516-B to M. Kek-  
uanaoa and Kamaikui.

## Centerline Description.

Beginning on the Southerly boundary of Portion  
B, and on the centerline of the Honolulu Planta-  
tion Co.'s easement for electric transmission line  
ten (10) feet wide, the coordinates of which re-  
ferred to Government Survey Triangulation Sta-  
tion "Salt Lake" being 3234.67 feet North and  
6741.45 feet West, and running by azimuth meas-  
ured clockwise from true South:

1.  $137^{\circ} 55'$ —541.99 feet to the Southerly side of  
the new highway to Aiea Naval Hospital. [422]

## PORTION C

Trustees of B. P. Bishop Estate—Owners

Land Situated on the Northerly side of new high-  
way to Aiea Naval Hospital between Kamehameha  
Highway and Moanalua Road at Halawa, Ewa,  
Oahu, T. H.

Being a Portion of Royal Patent 6717, Land  
Commission Award 7712 and 8516-B to M. Kek-  
uanaoa and Kamaikui.

## Exhibit A-1—(Continued)

Beginning at U.S.M.R. Monument No. 14 at the North corner of this parcel of land, on the boundary of the lands of Aiea and Halawa, and on the Southwest side of Moanalua Road, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 4485.44 feet North and 7212.38 feet West, and running by azimuths measured clockwise from true South:

1.  $305^{\circ} 27'$ —1130.47 feet to a pipe;
2.  $80^{\circ} 46' 30''$ —989.64 feet along the Northwest side of the new highway to Aiea Naval Hospital;
3.  $170^{\circ} 46' 30''$ —5.00 feet along the Northwest side of the new highway to Aiea Naval Hospital;
4.  $80^{\circ} 46' 30''$ —121.70 feet along the Northwest side of the new highway to Aiea Naval Hospital. Thence along the Northwest side of the new highway to Aiea Naval Hospital, on a curve to the left, with a radius of 2899.79 feet, the direct azimuth and distance being:
5.  $78^{\circ} 22' 10''$ —243.42 feet; [423]
6.  $345^{\circ} 57' 50''$ —5.00 feet along the Northerly side of the new highway to Aiea Naval Hospital. Thence along the Northwest side of the new highway to Aiea Naval Hospital, on a curve to the left, with a radius of 2894.79 feet, the direct azimuth and distance being:
7.  $74^{\circ} 00' 15''$ —197.99 feet. Thence along the Northwest side of the new highway to Aiea Naval Hospital, on a curve to the left, with a

## Exhibit A-1—(Continued)

radius of 2894.79 feet, the direct azimuth and distance being:

8.  $67^{\circ} 09' 20''$ —493.41 feet;
9.  $62^{\circ} 16'$ —318.93 feet along the Northwest side of the new highway to Aiea Naval Hospital. Thence along the Northeasterly corner of Kamehameha Highway and the new highway to Aiea Naval Hospital, on a curve to the right, with a radius of 30.00 feet, the direct azimuth and distance being:
10.  $118^{\circ} 55'$ —50.12 feet;
11.  $209^{\circ} 07' 30''$ —279.96 feet along the Southeast side of Kamehameha Highway. Thence along the Southeast side of Kamehameha Highway, on a curve to the left, with a radius of 1120.48 feet, the direct azimuth and distance being:
12.  $203^{\circ} 11' 54''$ —231.39 feet;
13.  $287^{\circ} 16' 18''$ —15.00 feet along the Southeast-erly side of Kamehameha Highway. Thence along the Southeast side of Kamehameha Highway, on a curve to the left, with a radius of 1135.48 feet, the direct azimuth and distance being: [424]
14.  $194^{\circ} 45' 27''$ —99.62 feet;
15.  $237^{\circ} 48' 20''$ —1321.31 feet along the land of Aiea to the point of beginning and containing an area of 25.038 acres, and as delineated on the 14th Naval District Drawing No. OA-N1-490.

Subject to the following easements, said easements being delineated on aforesaid drawing.

Exhibit A-1—(Continued)

EASEMENT 1-C

The Hawaiian Electric Co., Ltd.'s Easement for  
Transmission Line Fifty (50) Feet Wide

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land  
Commission Award 7712 and 8516-B to M. Kek-  
uanaoa and Kamaikui.

Centerline Description.

Beginning on the Southerly boundary of Portion  
C, and on the Northerly side of the new highway  
to Aiea Naval Hospital, and on the centerline of  
the Hawaiian Electric Co., Ltd.'s easement for  
transmission line fifty (50) feet wide, the coordi-  
nates of which referred to Government Survey  
Triangulation Station "Salt Lake" being 3297.04  
feet North and 8384.62 feet West, and running by  
azimuth measured clockwise from true South:

1. 173° 52' 30"—276.63 feet to the Easterly side  
of Kamehameha Highway. [425]

EASEMENT 2

Oahu Railway and Land Co.'s and Honolulu Plan-  
tation Co.'s Easement for Railroad Sixteen  
(16) Feet Wide

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land  
Commission Award 7712 and 8516-B to M. Kek-  
uanaoa and Kamaikui.

## Exhibit A-1—(Continued)

## Centerline Descriptions.

Beginning on the Westerly boundary of Portion C, and at the Easterly corner of the new highway to Aiea Naval Hospital and Kamehameha Highway, and on the centerline of the Oahu Railway and Land Co.'s and Honolulu Plantation Co.'s easement for railroad sixteen (16) feet wide, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3206.39 feet North and 8577.60 feet West, and running by azimuths measured clockwise from true South:

1.  $242^{\circ} 20'$ —452.63 feet. Thence on a curve to the left, with a radius of 722.79 feet, the direct azimuth and distance being:
2.  $218^{\circ} 18' 30''$ —588.55 feet;
3.  $194^{\circ} 17'$ —282.18 feet to the Halawa-Aiea boundary, being also the Northwest boundary of Portion C. [426]

## Centerline Description of Siding.

Beginning on the centerline of the above described easement, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3778.39 feet North and 7845.28 feet West, and running by azimuths measured clockwise from true South:

On a curve to the left, with a radius of 161.40 feet, the direct azimuth and distance being:

1.  $209^{\circ} 04' 50''$ —64.29 feet.

Thence on a curve to the left, with a radius



## Exhibit A-1—(Continued)

of 733.56 feet, the direct azimuth and distance being:

2.  $195^{\circ} 57' 46''$ —43.00 feet;
3.  $194^{\circ} 17'$ —292.71 feet to the Halawa-Aiea boundary, being also the Northwest boundary of Portion C.

## EASEMENT 3-A

Honolulu Plantation Co.'s Easement for Railroad  
Sixteen (16) Feet Wide

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land Commission Award 7712 and 8516-B to M. Kekua-naoa and Kamaikui.

## Centerline Description.

Beginning at the Westerly end of this easement, and on the centerline of the Oahu Railway and Land Co.'s and Honolulu Plantation [427] Co.'s easement for railroad sixteen (16) feet wide, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3433.01 feet North and 8147.06 feet West, and running by azimuths measured clockwise from true South:

On a curve to the right, with a radius of 1055.44 feet, the direct azimuth and distance being:

1.  $250^{\circ} 17' 52''$ —331.51 feet;

## Exhibit A-1—(Continued)

2.  $259^{\circ} 20'$ —19.36 feet to the Northerly side of the new highway to Aiea Naval Hospital.

## EASEMENT 4-A

The United States of America Perpetual Easement Five (5) Feet Wide Dated May 28, 1940, Recorded in Liber 1581, Page 395, in the Bureau of Conveyances at Honolulu.

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land Commission Award 7712 and 8516-B to M. Kekua-naoa and Kamaikui.

## Centerline Description.

Beginning on the Halawa-Aiea boundary, on the Northwest boundary of Portion C, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3870 feet North and 8188.87 feet West, and running by azimuths measured clockwise from true South:

1.  $339^{\circ} 42'$ —102.13 feet; [428]
2.  $338^{\circ} 32'$ —182.96 feet;
3.  $337^{\circ} 23'$ —126.71 feet;
4.  $250^{\circ} 51'$ —77.55 feet;
5.  $254^{\circ} 44'$ —115.67 feet;
6.  $262^{\circ} 50'$ —36.41 feet to the Northerly side of the new highway to Aiea Naval Hospital.

## Exhibit A-1—(Continued)

## EASEMENT 5-A

Honolulu Plantation Co.'s Easement for Ditch Six  
(6) Feet Wide

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land Commission Award 7712 and 8516-B to M. Kekua-haoa and Kamaikui.

## Centerline Description.

Beginning on the Southerly boundary of Portion C, and on the Northerly side of the new highway to Aiea Naval Hospital, and on the centerline of the Honolulu Plantation Co.'s easement for ditch six (6) feet wide, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3683.26 feet North and 7193.66 feet West, and running by azimuths measured clockwise from true South:

1.  $225^{\circ} 54'$ —579.52 feet;
2.  $305^{\circ} 01'$ —134.00 feet;
3.  $268^{\circ} 30'$ —7.00 feet;
4.  $228^{\circ} 44'$ —66.25 feet; [429]
5.  $365^{\circ} 27'$ —356.40 feet;
6.  $336^{\circ} 32'$ —22.18 feet to the Northerly side of the new highway to Aiea Naval Hospital, being also the Southern boundary of Portion C.

## Exhibit A-1—(Continued)

## EASEMENT 7-A

Mutual Telephone Co.'s Easement for Telephone  
Line Ten (10) Feet wide

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land  
Commission Award 7712 and 8516-B to M. Ke-  
kuanaoa and Kamaikui.

Centerline description:

Beginning on the Southerly boundary of Portion  
C, on the Northerly side of the new highway to  
Aiea Naval Hospital, and on the centerline of the  
Mutual Telephone Co.'s easement for telephone line  
ten (10) feet wide, the coordinates of which re-  
ferred to Government Survey Triangulation Sta-  
tion "Salt Lake" being 3807.48 feet North and  
6428.76 feet West, and running by azimuths mea-  
sured clockwise from true South:

1.  $177^{\circ} 07'$ —48.32 feet;
2.  $203^{\circ} 51'$ —61.14 feet to the Southwest side of  
Moanalua Road. [430]

## EASEMENT 9-A

Honolulu Plantation Co.'s Easement for Electric  
Transmission Line Ten (10) Feet Wide

Land Situated at Halawa, Ewa, Oahu, T. H.  
Being a Portion of Royal Patent 6717, Land Com-  
mission Award 7712 and 8516-B to M. Kekuanaoa  
and Kamaikui.

## Exhibit A-1—(Continued)

## Centerline Description:

Beginning on the Southerly boundary of Portion B, on the Northerly side of the new highway to Aiea Naval Hospital, and on the centerline of the Honolulu Plantation Co.'s easement for electric transmission line ten (10) feet wide, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3689.93 feet North and 7152.58 feet West, and running by azimuths measured clockwise from true South:

1.  $137^{\circ} 55'$ —298.25 feet;
2.  $120^{\circ} 52'$ —461.30 feet to the Halawa-Aiea boundary, being also the Northwest boundary of Portion C. [431]

## EXHIBIT "A-2"

Description of 15.076 Acres of Land. Situated at the North Corner of Moanalua Road and Aiea Naval Hospital Road at Halawa, Ewa, Oahu T. H. [433]

B. P. Bishop Estate—Owner

Land Situated at the North Corner of Moanalua Road and Aiea Naval Hospital Road at Halawa, Ewa, Oahu, T. H.

Being a Portion of the Ahupuaa of Halawa and Being a Portion of Royal Patent 6717, Land Commission Award 7712 and 8516-B to M. Kekuanaka and Kamaikui.

Beginning at a "†" on concrete at the West cor-



ner of this parcel of land, being also the South corner of the Aiea School Lot, and on the Northeast side of Moanalua Road, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 4166.08 feet North and 6677.62 feet West, and running by azimuths measured clockwise from true South:

1.  $215^{\circ} 27'$ —626.34 feet along remainder of the land of Halawa along Aiea School Lot to a pipe;
2.  $125^{\circ} 27'$ —342.65 feet along remainder of the land of Halawa along Aiea School Lot to a pipe;
3.  $237^{\circ} 47' 30''$ —253.00 feet along U. S. Naval Reservation 30-foot right-of-way along the Aiea-Halawa boundary to a pipe;
4.  $306^{\circ} 33'$ —204.40 feet along remainder of the land of Halawa to a pipe;
5.  $311^{\circ} 30' 30''$ —213.00 feet along remainder of the land of Halawa to a pipe;
6.  $314^{\circ} 50'$ —84.65 feet along remainder of the land of Halawa to a pipe;
7.  $321^{\circ} 55'$ —598.40 feet along remainder of the land of Halawa to a pipe;
8.  $42^{\circ} 27'$ —443.40 feet along remainder of the land of Halawa to the North side of the Aiea Naval Hospital Road to a pipe;
9.  $80^{\circ} 46' 30''$ —299.30 feet along the North side of the Aiea Naval Hospital Road to a pipe;
10.  $125^{\circ} 27'$ —560.19 feet along the Northeast side of Moanalua Road to the point of beginning

and containing an area of 15.076 acres, and as delineated on 14th Naval District Drawing No. OA-N1-626.

Subject to the following easements, said easements being delineated on the aforesaid drawing:

EASEMENT TEN (10) FEET WIDE FOR  
UNDERGROUND PIPELINE

Being a Strip of Land Ten (10) Feet Wide Extending Five (5) Feet on Each Side of the Following Described Centerline:

Beginning at the Southwest end of this easement, and on the Northeast side of Moanalua Road the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 4075.60 feet North and 6550.54 feet West, and running by azimuths measured clockwise from true South:

1.  $213^{\circ} 53' 30''$ —179.08 feet;
2.  $215^{\circ} 27'$ —656.90 feet.

Area—8,360 square feet.

EASEMENT TEN (10) FEET WIDE FOR  
DITCH PURPOSES

Being a Strip of Land Ten (10) Feet Wide Extending Five (5) Feet on Each Side of the Following Described Centerline:

Beginning at the West end of this easement, and on the Northeast side of Moanalua Road, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3845.30

feet North and 6227.07 feet West, and running by an azimuth measured clockwise from true South:

1.  $260^{\circ} 46' 30''$ —310.68 feet.

Area—3,107 square feet.

/s/ R. M. TOWILL,

Registered Professional Surveyor Certificate Number 151.

Honolulu, T. H., April 19, 1943.

[435]

### EXHIBIT A-3

#### AIEA BARRACKS

#### 2ND ADDITIONAL AND 3RD ADDITIONAL

Land Situated at Halawa and Aiea, Ewa,  
Oahu, T. H.

#### Descriptions of:

Aiea Barracks 2nd Additional. Apparent owner: B. P. Bishop Estate; area, 26.195 acres.

Aiea Barracks 3rd Additional (Honolulu Plantation Co. Land). Apparent owner: Honolulu Plantation Co.; area, 2.732 acres.

Aiea Barracks 3rd Additional (B. P. Bishop Estate Land). Apparent owner: B. P. Bishop Estate; area, 1.716 acres.

Parcel T-1. Apparent owner: Territory of Hawaii; area 0.676 acre.

Parcel U-1. Apparent owner: United States of America; area 0.670 acre. [437]

## Exhibit A-3—(Continued)

## AIEA BARRACKS 2ND ADDITIONAL

Land Situated on the North Side of Aiea Naval Hospital Road and East of Aiea Barracks 1st Additional at Halawa, Ewa, Oahu, T. H.

Being a Portion of the Ahupuaa of Halawa and Being Also a Portion of Royal Patent 6717, Land Commission Award 7712 and 8516-B to M. Kekuanaoa and Kamaikui.

Beginning at a pipe at the Southwest corner of this parcel of land, on the North side of Aiea Naval Hospital Road, and being also the Southeast corner of Aiea Barracks 1st Additional, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3,889.15 feet North and 5,925.85 feet West, and running by azimuths measured clockwise from true South:

1.  $222^{\circ} 27'$ —443.40 feet along Aiea Barracks 1st Additional, being also along a remainder of the land of Halawa, to a pipe;
2.  $141^{\circ} 55'$ —598.40 feet along Aiea Barracks 1st Additional, being also along a remainder of the land of Halawa, to a pipe;
3.  $134^{\circ} 50'$ —84.65 feet along Aiea Barracks 1st Additional, being also along a remainder of the land of Halawa, to a pipe;
4.  $131^{\circ} 30' 30''$ —213.00 feet along Aiea Barracks 1st Additional, being also along a remainder of the land of Halawa, to a pipe;
5.  $126^{\circ} 33'$ —204.40 feet along Aiea Barracks 1st

## Exhibit A-3—(Continued)

- Additional, being also along a [438] remainder of the land of Halawa, to a pipe;
6.  $237^{\circ} 47' 30''$ —318.67 feet along U. S. Naval Reservation to a pipe;
  7.  $295^{\circ} 12'$ —118.10 feet along a remainder of the land of Halawa to a pipe;
  8.  $285^{\circ} 14'$ —96.50 feet along a remainder of the land of Halawa to a pipe;
  9.  $279^{\circ} 02'$ —110.20 feet along a remainder of the land of Halawa to a pipe;
  10.  $300^{\circ} 22'$ —167.40 feet along a remainder of the land of Halawa to a pipe;
  11.  $236^{\circ} 42'$ —71.10 feet along a remainder of the land of Halawa to a pipe;
  12.  $302^{\circ} 06'$ —78.30 feet along a remainder of the land of Halawa to a pipe;
  13.  $294^{\circ} 24'$ —46.40 feet along a remainder of the land of Halawa to a pipe;
  14.  $280^{\circ} 48'$ —69.50 feet along a remainder of the land of Halawa to a pipe;
  15.  $268^{\circ} 39' 30''$ —191.23 feet along a remainder of the land of Halawa to a pipe;
  16.  $289^{\circ} 57' 30''$ —193.83 feet along a remainder of the land of Halawa to a pipe; thence along a remainder of the land of Halawa, on a curve to the right, with a radius of 460.00 feet, the chord azimuth and distance being,
  17.  $314^{\circ} 05' 45''$ —376.21 feet;
  18.  $338^{\circ} 14'$ —529.30 feet along a remainder of the land of Halawa to the Northerly side of Aiea Naval Hospital Road; thence along the North-



## Exhibit A-3—(Continued)

erly side of Aiea Naval Hospital Road, on a curve to the left, with a radius of 5759.58 feet, the chord azimuth and distance being,

19.  $83^{\circ} 24' 18''$ —328.35 feet to a pipe; [439]
20.  $171^{\circ} 46' 18''$ —15.00 feet along the East side of Aiea Naval Hospital Road to a pipe; thence along the North side of Aiea Naval Hospital Road, on a curve to the left, with a radius of 5774.58 feet, the chord azimuth and distance being,
21.  $81^{\circ} 16' 24''$ —100.45 feet to a pipe;
22.  $80^{\circ} 46' 30''$ —700.31 feet along the North side of Aiea Naval Hospital Road to a pipe;
23.  $350^{\circ} 46' 30''$ —15.00 feet along the West side of Aiea Naval Hospital Road to a pipe;
24.  $80^{\circ} 46' 30''$ —240.73 feet along the North side of Aiea Naval Hospital Road to the point of beginning and containing an area of 26.195 acres, and as delineated on the 14th Naval District Drawing No. OA-N1-1076.

Subject to Easements A-4, A-5 and B hereinafter described, said easements being delineated on the aforesaid drawing. [440]

**AIEA BARRACKS 3RD ADDITIONAL**  
(Honolulu Plantation Co. Land)

Land Situated at Aiea, Ewa, Oahu, T. H.

Being Land Quitclaimed by the United States of America to Waialua Agricultural Co., Ltd., by Deed Dated January 26, 1929 and Recorded in the

## Exhibit A-3—(Continued)

Bureau of Conveyances at Honolulu in Liber 1000, Page 14, and Being Also the Land Conveyed by Waialua Agricultural Co., Ltd., to Honolulu Plantation Co. by Deed Dated January 29, 1929 and Recorded in the Bureau of Conveyances at Honolulu in Liber 1002, Page 91.

Beginning at a pipe at the South corner of this parcel of land, on the Northeast side of Moanalua Road, being also the West corner of Parcel T-1 (government road 30 feet wide), the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 4,551.82 feet North and 7-219.78 feet West, and running by azimuths measured clockwise from true South:

1.  $125^{\circ} 15' 10''$ —238.28 feet along the Northeast side of Moanalua Road to the Southerly side of Oahu Railway and Land Company's railroad right-of-way; thence along the Southerly side of Oahu Railway and Land Company's railroad right-of-way, on a curve to the right, with a radius of 935.40 feet, the chord azimuth and distance being,
2.  $241^{\circ} 21' 50''$ —397.03 feet;
3.  $253^{\circ} 37'$ —203.85 feet along the Southerly side of Oahu Railway and Land Company's railroad right-of-way; [441] thence along the Southerly side of Oahu Railway and Land Company's railroad right-of-way, on a curve to the left, with a radius of 657.30 feet, the chord azimuth and distance being,

## Exhibit A-3—(Continued)

4.  $25^{\circ} 44' 47''$ —65.83 feet;
5.  $330^{\circ} 24'$ —125.45 feet along Aiea Barracks 3rd Additional (B. P. Bishop Estate Land), being also along Grant 10197 to B. P. Bishop Estate;
6.  $57^{\circ} 49' 30''$ —559.49 feet along Parcel T-1 (government road 30 feet wide) to the point of beginning and containing an area of 2.732 acres, and as delineated on 14th Naval District Drawing No. OA-N1-1076.

Subject to Easements C-1 and D-1 hereinafter described, said easements being delineated on the aforesaid drawing. [442]

**AIEA BARRACKS 3RD ADDITIONAL.**  
(B. P. Bishop Estate Land)

Land Situated at Aiea, Ewa, Oahu, T. H.

Being a Portion of Grant 10197 to B. P. Bishop Estate.

Beginning at the South corner of this parcel of land, on the Northwest boundary of Parcel T-1 (government road 30 feet wide), being also the East corner of Aiea Barracks 3rd Additional (Honolulu Plantation Company Land), the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 4,849.76 feet North and 6,746.21 feet West, and running by azimuths measured clockwise from true South:

1.  $150^{\circ} 24'$ —125.45 feet along Aiea Barracks 3rd

## Exhibit A-3—(Continued)

Additional (Honolulu Plantation Company Land) to the Southerly side of Oahu Railway and Land Company's railroad right-of-way; thence along the Southerly side of Oahu Railway and Land Company's railroad right-of-way, on a curve to the left, with a radius of 657.30 feet, the chord azimuth and distance being,

2.  $239^{\circ} 56' 17''$ —181.54 feet;
3.  $232^{\circ} 00'$ —174.15 feet along a remainder of Grant 10197 to B. P. Bishop Estate; thence along a remainder of Grant 10197 to B. P. Bishop Estate, on a curve to the right, with a radius of 343.17 feet, the chord azimuth and distance being,
4.  $257^{\circ} 57'$ —300.33 feet; [443] thence along a remainder of Grant 10197 to B. P. Bishop Estate, on a curve to the left, with a radius of 613.14 feet, the chord azimuth and distance being,
5.  $306^{\circ} 31' 06''$ —34.99 feet to the Northwest side of government road 30 feet wide;
6.  $57^{\circ} 47' 30''$ —655.00 feet along government road 30 feet wide and along Parcel T-1 to the point of beginning and containing an area of 1.716 acres, and as delineated on 14th Naval District Drawing No. OA-N1-1076.

Subject to Easement A-1 hereinafter described, said easement being delineated on the aforesaid drawing. [444]

## Exhibit A-3—(Continued)

## PARCEL T-1

Land Situated on the Northeast Side of Moanalua Road at Aiea, Ewa, Oahu, T. H.

Being a Portion of Government Road Thirty (30) Feet Wide.

Beginning at a pipe at the West corner of this parcel of land, on the North side of Moanalua Road, being also the South corner of Aiea Barracks 3rd Additional (Honolulu Plantation Company Land), the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 4,551.82 feet North and 7,219.78 feet West, and running by azimuths measured clockwise from true South:

1.  $237^{\circ} 49' 30''$ —559.49 feet along Aiea Barracks 3rd Additional (Honolulu Plantation Company Land);
2.  $237^{\circ} 47' 30''$ —480.27 feet along Aiea Barracks 3rd Additional (B. P. Bishop Estate Land);
3.  $41^{\circ} 45'$ —108.56 feet crossing government road 30 feet wide;
4.  $57^{\circ} 47' 30''$ —377.30 feet along Parcel U-1, U. S. Naval Reservation;
5.  $57^{\circ} 49' 30''$ —545.67 feet along Parcel U-1, U. S. Naval Reservation, to the Northeast side of Moanalua Road;
6.  $125^{\circ} 15' 10''$ —32.49 feet along the Northeast side of Moanalua Road to the point of beginning and containing an area of 0.676 acre, and



## Exhibit A-3—(Continued)

as delineated on 14th Naval District Drawing No. OA-N1-1076.

Subject to Easements A-2, C-2 and D-2 hereinafter described, said easements being delineated on the aforesaid drawing. [445]

## PARCEL U-1

Land Situated on the Northeast Side of Moanalua Road at Aiea, Ewa, Oahu, T. H.

Being a Portion of U. S. Naval Reservation Thirty (30) Feet Wide.

Beginning at the South corner of this parcel of land, on the Northeast side of Moanalua Road, being also the West corner of Aiea School Lot, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 4,514.31 feet North and 7,166.72 feet West, and running by azimuths measured clockwise from true South:

1.  $125^{\circ} 27'$ —0.53 foot along the Northeast side of Moanalua Road;
2.  $125^{\circ} 15' 10''$ —31.96 feet along the Northeast side of Moanalua Road;
3.  $237^{\circ} 49' 30''$ —545.67 feet along Parcel T-1 (government road 30 feet wide);
4.  $237^{\circ} 47' 30''$ —485.92 feet partly along Parcel T-1 and along government road 30 feet wide;
5.  $41^{\circ} 45'$ —108.56 feet crossing U. S. Naval Reservation 30 feet wide;

## Exhibit A-3—(Continued)

6.  $57^{\circ} 47' 30''$ —381.90 feet partly along Aiea Barracks 1st Additional and along Aiea School Lot to a concrete monument;
7.  $57^{\circ} 49' 30''$ —532.90 feet along Aiea School Lot to the point of beginning and containing an acre of 0.670 acre, and as delineated on 14th Naval District Drawing No. OA-N1-1076. [446]

Subject to Easements A-3 and C-3 hereinafter described, said easements being delineated on the aforesaid drawing. [447]

## EASEMENT A-1

Description of Centerline of Irrigation Pipeline Right-of-Way for Honolulu Plantation Co.

Beginning at the Northwest end of this easement, on the Northwesterly boundary of Aiea Barracks 3rd Additional (B. P. Bishop Estate Land), the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 5,177.52 feet North and 6,484.50 feet West, and running by azimuths measured clockwise from true South:

1.  $320^{\circ} 53'$ —69.87 feet;
2.  $324^{\circ} 40' 30''$ —68.59 feet to the Southeast boundary of Aiea Barracks 3rd Additional (B. P. Bishop Estate Land), the true azimuth and distance to the initial point of Aiea Barracks 3rd Additional (B. P. Bishop Estate Land), being  $57^{\circ} 47' 30''$  408.27 feet, and as delineated

## Exhibit A-3—(Continued)

on 14th Naval District Drawing No. OA-N1-1076.

## EASEMENT A-2

Description of Centerline of Irrigation Pipeline Right-of-Way for Honolulu Plantation Co.

Beginning at the Northwest end of this easement, on the Northwest boundary of Parcel T-1 and the Southeast boundary of Aiea Barracks 3rd Additional (B. P. Bishop Estate Land), the coordinates of which referred to Government Survey Triangulation Station "Salt [448] Lake" being 5,067.35 feet North and 6,400.76 feet West, and running by azimuth measured clockwise from true South:

1.  $324^{\circ} 40' 30''$ —20.41 feet to the Southeast boundary of Parcel T-1, the true azimuth and distance to the end of the 3rd course of Parcel T-1 being  $41^{\circ} 45' 34.80$  feet, and as delineated on 14th Naval District Drawing No. OA-N1-1076.

## EASEMENT A-3

Description of Centerline of Irrigation Pipeline Right-of-Way for Honolulu Plantation Co.

Beginning at the Northwest end of this easement, on the Northwest boundary of Parcel U-1, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 5,042.84 feet North and 6,383.39 feet West, and run-

## Exhibit A-3—(Continued)

ning by an azimuth measured clockwise from true South:

1.  $324^{\circ} 40' 30''$ —21.15 feet to the Southeast boundary of Parcel U-1, the true azimuth and distance to the end of the 5th course of Parcel U-1 being  $41^{\circ} 45' 32.10$  feet, and as delineated on 14th Naval District Drawing No. OA-N1-1076. [449]

## EASEMENT A-4

Description of Centerline of Irrigation Pipeline Right of-Way for Honolulu Plantation Co.

Beginning at the West end of this easement, on the Northwest boundary of Aiea Barracks 2nd Additional, and on the Southeast side of U. S. Naval Reservation 30 feet wide, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 5,018.33 feet North and 6,366.02 feet West, and running by azimuths measured clockwise from true South:

1.  $279^{\circ} 32'$ —136.29 feet;
2.  $305^{\circ} 29'$ —685.71 feet;
3.  $299^{\circ} 41' 30''$ —455.79 feet;
4.  $313^{\circ} 19'$ —257.21 feet;
5.  $342^{\circ} 34'$ —61.31 feet;
6.  $291^{\circ} 18' 30''$ —184.28 feet to the end of the 20th course of Aiea Barracks 2nd Additional and as delineated on 14th Naval District Drawing No. OA-N1-1076.

## Exhibit A-3—(Continued)

## EASEMENT A-5

Description of Centerline of Irrigation Ditch  
Right-of-Way for Honolulu Plantation Co.

Beginning at the North end of this easement, on the Northerly boundary of Aiea Barracks 2nd Additional, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" [450] being 5,097.84 feet North and 5,870.32 feet West, and running by azimuths measured clockwise from true South:

1.  $17^{\circ} 17'$ —42.41 feet;
2.  $34^{\circ} 54'$ —200.00 feet;
3.  $8^{\circ} 29'$ —59.00 feet to the centerline of Easement A-4, the true azimuth and distance to the end of the 1st course of Easement A-4 being  $125^{\circ} 29'$  277.00 feet, and as delineated on 14th Naval District Drawing No. OA-N1-1076.

## EASEMENT B

Description of Centerline of Irrigation Ditch for  
Honolulu Plantation Co.

Beginning at the North end of this easement, on the Easterly boundary of Aiea Barracks 2nd Additional, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 4,615.57 feet North and 4,781.82 feet West, and running by azimuths measured clockwise from true South:

1.  $12^{\circ} 31' 30''$ —71.99 feet;



## Exhibit A-3—(Continued)

2.  $360^{\circ} 00'$ —70.00 feet;
3.  $336^{\circ} 30'$ —60.00 feet;
4.  $345^{\circ} 00'$ —160.00 feet;
5.  $319^{\circ} 00'$ —45.00 feet;
6.  $337^{\circ} 00'$ —50.00 feet;
7.  $18^{\circ} 00'$ —60.00 feet;
8.  $338^{\circ} 30'$ —50.00 feet to the Southerly boundary of [451] Aiea Barracks 2nd Additional, the true azimuth and distance to the end of the 18th course of Aiea Barracks 2nd Additional being  $264^{\circ} 28' 53''$  112.00 feet, and as delineated on 14th Naval District Drawing No. OA-N1-1076.

## EASEMENT C-1

Description of Centerline of Electric Transmission Line for Hawaiian Electric Co., Ltd.

Beginning at the Northwest end of this easement, on the Northwest boundary of Aiea Barracks 3rd Additional (Honolulu Plantation Co. Land), the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 4,905.05 feet North and 6,979.45 feet West, and running by an azimuth measured clockwise from true South:

1.  $332^{\circ} 21'$ —171.54 feet to the Southeast boundary of Aiea Barracks 3rd Additional (Honolulu Plantation Co. Land), the true azimuth and distance to the end of the 6th course of Aiea Barracks 3rd Additional (Honolulu

## Exhibit A-3—(Continued)

Plantation Co. Land) being  $237^{\circ} 49' 30''$  181.51 feet, and as delineated on 14th Naval District Drawing No. OA-N1-1076.

## EASEMENT C-2

Description of Centerline of Electric Transmission Line for Hawaiian Electric Co., Ltd.

Beginning at the Northwest end of this easement, on the Northwest boundary of Parcel T-1 and the Southeast boundary of Aiea [452] Barracks 3rd Additional (Honolulu Plantation Co. Land), the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 4,753.10 feet North and 6,899.84 feet West, and running by an azimuth measured clockwise from true South:

1.  $332^{\circ} 21'$ —30.09 feet to the Southeast boundary of Parcel T-1, the true azimuth and distance to the end of the 5th course of Parcel T-1 being  $57^{\circ} 49' 30''$  363.13 feet, and as delineated on 14th Naval District Drawing No. OA-N1-1076.

## EASEMENT C-3

Description of Centerline of Electric Transmission Line for Hawaiian Electric Co., Ltd.

Beginning at the Northwest end of this easement, on the Northwest boundary of Parcel U-1 and the Southeast boundary of Parcel T-1, the co-

## Exhibit A-3—(Continued)

ordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 4,726.45 feet North and 6,885.88 feet West, and running by an azimuth measured clockwise from true South:

1.  $332^{\circ} 21'$ —30.09 feet to the Southeast boundary of Parcel U-1, the true azimuth and distance to the initial point of Parcel U-1 being  $57^{\circ} 49' 30''$  348.29 feet, and as delineated on 14th Naval District Drawing No. OA-N1-1076.

## EASEMENT D-1

Description of Centerline of Telephone Line for Mutual Telephone Co.

Beginning at the Northwest end of this easement, on the Northwest boundary of Aiea Barracks 3rd Additional (Honolulu Plantation Co. Land), the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 4,777.04 feet North and 7,295.28 feet West, and running by an azimuth measured clockwise from true South:

1.  $322^{\circ} 17'$ —231.92 feet to the Southeast boundary of Aiea Barracks 3rd Additional (Honolulu Plantation Co. Land), the true azimuth and distance to the initial point of Aiea Barracks 3rd Additional (Honolulu Plantation Co. Land) being  $57^{\circ} 49' 30''$  78.41 feet, and as delineated on 14th Naval District Drawing No. OA-N1-1076.

## Exhibit A-3—(Continued)

## EASEMENT D-2

Description of Centerline of Telephone Line for Mutual Telephone Co.

Beginning at the East end of this easement, on the Northwest boundary of Parcel T-1 and the Southeast boundary of Aiea Barracks 3rd Additional (Honolulu Plantation Co. Land), the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 4,593.57 feet North and 7,153.41 feet West, and running [454] by an azimuth measured clockwise from true South:

1.  $55^{\circ} 04' 30''$ —76.96 feet to the Northeast side of Moanalua Road, the true azimuth and distance to the initial point of Parcel T-1 being  $125^{\circ} 15' 10''$  4.00 feet, and as delineated on 14th Naval District Drawing No. OA-N1-1076.

/s/ R. M. TOWILL,

Registered Professional Surveyor Certificate Number 151.

Honolulu, T. H., September 21, 1944.

[Endorsed]: Filed Oct. 11, 1944.

[455]

[Title of District Court and Cause No. 535.]

### DECLARATION OF TAKING

Whereas, pursuant to the Acts of Congress approved March 27, 1942 (Public Law 507, 77th Congress), June 26, 1943 (Public Law 92, 78th Congress), and January 28, 1944 (Public Law 224, 78th Congress), the above styled condemnation proceeding has been instituted.

Now, Therefore, pursuant to the provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421), I, Secretary of the Navy, do hereby make and cause to be filed this declaration of taking, and by virtue of authority thereof do hereby state that the lands selected for acquisition aggregate 145.225 acres, more or less, at Halawa and Aiea, Ewa, Territory of Hawaii, more particularly described in Exhibit "A" attached hereto and made a part hereof. The lands are delineated on maps entitled "Aiea Barracks Boundary Survey," 14th Naval District Drawing OA-N1-490, "Aiea Barracks First Additional," 14th Naval District Drawing No. OA-N1-626, and "Aiea Barracks 2nd Additional and 3rd Additional," 14th Naval District Drawing [457] No. OA-N1-1076, attached hereto as Exhibits "B-1", "B-2", and "B-3", respectively, and made a part hereof.

And I do declare said lands to be taken under the authority of the aforesaid Acts of Congress: that the use to which said lands are to be put is in connection with the Aiea Naval Barracks as auth-



orized by said acts; and that the estate hereby taken in said lands for the public use aforesaid is title in fee simple, subject, however, to the following rights and reservations:

1. As to Portion B of the lands described in Exhibit "A", and delineated on Exhibit "B-1" subject to:

A. The existing right of the Hawaiian Electric Company, Limited, its successors and assigns, to operate, maintain, and repair, electric power transmission poles and wire lines, together with the right of ingress and egress for such purposes, over the rights of way, the centerlines of which are described in Exhibit "A" and delineated on Exhibit "B-1", attached hereto, as Easements 1-A, 1-B, and 8-A; said right having been acquired by said Hawaiian Electric Company, Limited, from the Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, by (1) unrecorded lease No. 5877, dated December 1, 1937, expiring January 1, 1966, and (2) by that certain lease agreement No. 7117, from the Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, dated July 1, 1943, expiring December 31, 1965, and recorded in the Bureau of Conveyances of the Territory of Hawaii in Liber 1787, at page 259.

B. The right hereby reserved unto George Miles Collins, John Kirkwood Clarke, Frank Elbert Midkiff, Edwin Pauhaulani Murray and Joseph Boyd Poindexter, as Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, and to their successors in trust, assigns and lessees, to operate,

maintain, and repair [458] the following facilities for plantation purposes, together with the right of ingress and egress for such purposes, for so long only as the rights of way over which said facilities pass are used for such purposes:

(a) Electric power transmission poles and wire lines over the right of way, the centerline of which is described in and delineated on Exhibits "A" and "B-1", attached hereto as Easement 9-B;

(b) Irrigation ditches over and along the rights of way, the centerlines of which are described in, and delineated on Exhibits "A" and "B-1," attached hereto as Easements 5-B and 6-A;

(c) A pipeline under and along the right of way, the centerline of which is described in, and delineated on Exhibits "A" and "B-1", attached hereto as Easement 6;

2. As to Portion C of the lands described in Exhibit "A" and delineated on Exhibit "B-1", subject to;

A. The existing right of the Hawaiian Electric Company, Limited, its successors and assigns, to operate, maintain, and repair, electric power transmission poles and wire lines, together with the right of ingress and egress for such purposes, over the the right of way, the centerline of which is described in Exhibit "A" and delineated on Exhibit "B-1", attached hereto as Easement 1-C: said right having been acquired by the said Hawaiian Electric Company, Limited, from the Trustees under the

Will and of the Estate of Bernice P. Bishop, Deceased, by unrecorded lease No. 5877, dated December 1, 1937, expiring January 1, 1966.

B. The right hereby reserved unto George Miles Collins, John Kirkwood Clarke, Frank Elbert Midkiff, Edwin Pauhaulani Murray, and Joseph Boyd Poindexter, as Trustees under the [459] Will and of the Estate of Bernice P. Bishop, Deceased, and to their successors in trust, assigns and lessees, to operate, maintain, and repair the following facilities for plantation purposes, together with the right of ingress and egress for such purposes, for so long only as the rights of way over which said facilities pass are used for such purposes:

(a) Electric power transmission poles and wire lines over the right of way, the centerline of which is described in and delineated on Exhibits "A" and "B-1", attached hereto as Easement 9-A;

(b) Railway tracks and facilities, including the operation of locomotives and cars over the same over the centerline described in and delineated on Exhibits "A" and "B-1", attached hereto as Easement 2;

(c) A pipeline under and along the centerline of the right of way described in and delineated on Exhibits "A" and "B-1", attached hereto as Easement 5-A;

3. As to the lands described in Exhibit "A" and delineated on Exhibit "B-2" as "Aiea Barracks 1st Additional," subject to:

A. The right hereby reserved unto George Miles Collins, John Kirkwood Clarke, Frank Elbert Mid-

kiff, Edwin Pauhaulani Murray and Joseph Boyd Poindexter, as Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, and to their successors in trust, assigns and lessees, to operate, maintain, and repair the following facilities for plantation purposes, together with the right of ingress and egress for such purposes for so long only as the rights of way over which said facilities pass are used for such purpose: [460]

(a) Pipelines under and along the centerlines of the rights of way described in and designated on Exhibits "A" and "B-2", attached hereto as Easements A-6 and A-7.

4. As to the lands described in Exhibit "A" and delineated on Exhibit "B-3" as "Aiea Barracks 2nd and 3rd Additional" subject to:

A. The right hereby reserved unto George Miles, Collins, John Kirkwood Clarke, Frank Elbert Midkiff, Edwin Pauhaulani Murray and Joseph Boyd Poindexter, as Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, and to their successors in trust, assigns and lessees, to operate, maintain, and repair the following facilities for plantation purposes, together with the right of ingress and egress for such purposes, for so long only as the rights of way over which said facilities pass are used for such purposes:

(a) Irrigation ditches over and along the centerlines of the rights of way described in and delineated on Exhibits "A" and "B-3" attached hereto as Easements B and A-5;

(b) Pipelines under and along the centerline of



the right of way described in and designated on Exhibits "A" and "B-3" attached hereto as Easements A-1 and A-4.

And I do hereby state that the sum of money estimated by me to be just compensation for all of said lands, improvements thereon, and appurtenances thereunto belonging is Seventy One Thousand Four Hundred Fifty Eight Dollars (\$71,458.00), which said sum is hereby deposited into the registry of the court for the use and benefit of the persons entitled thereto, and the amounts of just compensation for said lands [461] and improvements thereon, which are hereby taken are shown on Schedule "A" which is attached hereto and made a part of this declaration of taking.

I am of the opinion that the ultimate award for the taking of said lands will be within the limits prescribed by Congress.

In Witness Whereof, the petitioner, by and through the Secretary of the Navy, has caused this declaration of taking to be signed on the 4th day of August, 1945, in the City of Washington, District of Columbia.

UNITED STATES  
OF AMERICA,

By /s/ JOHN L. SULLIVAN,  
Acting.

[462]



SCHEDULE "A"

The names of the persons having title to or other interest in the lands described in the within declaration of taking and the amounts estimated to be fair competition for each respective ownership, including all improvements thereon are as follows:

Parcel	Name of Owner	Estimated Just	
		Acres	Compensation
Portion A as shown on 14th ND Dwg. No. OA-N1-490 (Ex. B1)	L. L. McCandless Estate	0.545	\$ 231.00
Portion B as shown on 14th ND Dwg. No. OA-N1-490 (Ex. B-1)	B. P. Bishop Est.	73.923	36,242.50
Portion C as shown on 14th ND Dwg. No. OA-N1-490 (Ex. B-1)	B. P. Bishop Est.	25.038	12,125.00
1st Additional Area as shown on 14th ND Dwg. No. OA-N1-626 (Ex. B-2)	B. P. Bishop Est.	15.076	7,538.00
2nd Additional Area as shown on 14th ND Dwg. No. OA-N1-1076 (Ex. B-3)	B. P. Bishop Est.	26.195	13,097.50
3rd Additional Area as shown on 14th ND Dwg. No. OA-N1-1076 (Ex. B-3)	Honolulu Plantation Company	2.732	1,366.00
3rd Additional Area as shown on 14th ND Dwg. No. OA-N1-1076 (Ex. B-3)	B. P. Bishop Est.	1.716	853.00
Total		145.225	\$ 71,458.00

## EXHIBIT A

DESCRIPTIONS OF PORTIONS A, B, AND C,  
LAND SITUATED AT HALAWA,  
EWA, OAHU, T. H.

Revised October 11, 1943

To Conform to the Widening of Kamehameha  
Highway

## PORTION A

Estate of L. L. McCandless—Owner

Land situated near the Southeast side of Kamehameha Highway approximately 300 feet East of Halawa Bridge at Halawa, Ewa, Oahu, T. H.

Being the Whole of Royal Patent 457, Land Commission Award 2131, Apana 1 to Kanihoalii for Kaukiwaa.

Beginning at the Southwest corner of this parcel of land, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 763.60 feet North and 9583.20 feet West, and running by azimuths measured clockwise from true South:

1.  $164^{\circ} 00'$ —124.00 feet along L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui;
2.  $155^{\circ} 00'$ —186.00 feet along L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui;
3.  $234^{\circ} 00'$ —83.00 feet along L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui;
4.  $338^{\circ} 15'$ —319.00 feet along L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui;

Exhibit A—(Continued)

5.  $61^{\circ} 00'$ —83.00 feet along L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to the point of beginning and containing an area of 0.545 acres, and as delineated on 14th Naval District Drawing No. OA-N1-490. [465]

PORTION B

Trustees of B. P. Bishop Estate—Owners

Land situated on the Southeast side of Kamehameha Highway and on the southerly side of new highway to Aiea Naval Hospital and on the Southwest side of Moanalua Road at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land Commission Award 7712 at 8516-B to M. Kekuanaoa and Kamaikui.

Beginning at a pipe at the North corner of this parcel of land, at the South corner of the new highway to Aiea Naval Hospital and Moanalua Road, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3780.28 feet North and 6221.95 feet West, and running by azimuths measured clockwise from true South:

1.  $305^{\circ} 27'$ —53.56 feet along the Southwest side of Moanalua Road to a pipe. Thence along the Southwest side of Moanalua Road, on a curve to the left, with a radius of 1007.00 feet, the direct azimuth and distance being:

## Exhibit A—(Continued)

2.  $294^{\circ} 03' 09''$ —398.00 feet to a pipe;
3.  $25^{\circ} 53'$ —151.85 feet along the remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
4.  $59^{\circ} 25'$ —54.00 feet along remainder of L. C. Aw. 7712 [466] and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
5.  $63^{\circ} 59'$ —244.60 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
6.  $69^{\circ} 59'$ —169.60 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
7.  $86^{\circ} 26' 30''$ —188.50 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
8.  $97^{\circ} 48'$ —112.80 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
9.  $78^{\circ} 52'$ —197.40 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
10.  $79^{\circ} 49'$ —188.00 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
11.  $66^{\circ} 23'$ —99.50 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
12.  $82^{\circ} 43'$ —115.80 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;

Exhibit A—(Continued)

13. 75° 40'—201.10 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
14. 62° 17'—186.20 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
15. 76° 08'—117.50 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
16. 79° 06' 30"—110.90 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
17. 69° 09'—77.50 feet along remainder of L. C. Aw. 7712 [467] and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
18. 39° 42'—98.10 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
19. 5° 03' 30"—176.20 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
20. 13° 31'—174.60 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
21. 58° 35'—27.50 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
22. 94° 12'—243.30 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
23. 55° 19'—189.90 feet along remainder of L. C.



## Exhibit A—(Continued)

- Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
24.  $45^{\circ} 00'$ —167.10 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
25.  $19^{\circ} 47'$ —122.55 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
26.  $3^{\circ} 16' 30''$ —54.65 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
27.  $325^{\circ} 54'$ —111.65 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
28.  $298^{\circ} 50'$ —149.50 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
29.  $299^{\circ} 31'$ —166.55 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
30.  $351^{\circ} 36'$ —71.95 feet along remainder of L. C. Aw. 7712 [468] and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
31.  $14^{\circ} 29'$ —77.40 feet along remainder of L. C. Aw. 7712 and 8516-B to a pipe;
32.  $28^{\circ} 13'$ —90.85 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
33.  $48^{\circ} 35'$ —288.20 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;

Exhibit A—(Continued)

34. 53° 06'—131.25 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
35. 39° 11'—90.05 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
36. 59° 42'—36.10 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
37. 89° 41'—160.10 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
38. 32° 32'—139.60 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
39. 46° 50' 30"—188.70 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
40. 34° 14' 30"—72.35 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
41. 36° 25'—223.26 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui;
42. 53° 00'—130.00 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui;
43. 347° 24'—72.10 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamikui to a pipe; [469]

## Exhibit A—(Continued)

44.  $101^{\circ} 16'$ —110.10 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
45.  $96^{\circ} 05'$ —124.70 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
46.  $81^{\circ} 30'$ —80.00 along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
47.  $350^{\circ} 30'$ —197.25 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to a pipe;
48.  $66^{\circ} 55'$ —54.53 feet along remainder of L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to the middle of Halawa Stream. Thence following down along Halawa Stream along Parcel 4-C of the Makalapa Lands for the next two (2) courses, the direct azimuths and distances between points in middle of said stream being:
49.  $153^{\circ} 26'$ —25.00 feet;
50.  $123^{\circ} 50'$ —325.29 feet to the Southeast side of Kamehameha Highway;
51.  $203^{\circ} 32'$ —116.70 feet along the Southeast side of Kamehameha Highway;
52.  $293^{\circ} 32'$ —15.00 feet along the Southeast side of Kamehameha Highway; [470]
53.  $203^{\circ} 32'$ —710.19 feet along the Southeast side of Kamehameha Highway. Thence along the Southeast side of Kamehameha Highway, on

Exhibit A—(Continued)

a curve to the right, with a radius of 5679.65 feet, the direct azimuth and distance being:

54.  $204^{\circ} 25' 57''$ —178.26 feet;
55.  $115^{\circ} 19' 54''$ —15.00 feet along the Southeast side of Kamehameha Highway. Thence along the Southeast side of Kamehameha Highway, on a curve to the right, with a radius of 5694.65 feet, the direct azimuth and distance being:
56.  $207^{\circ} 13' 42''$ —376.95 feet;
57.  $209^{\circ} 07' 30''$ —1204.14 feet along the Southeast side of Kamehameha Highway. Thence along the Southeast side of the new highway to Aiea Naval Hospital, on a curve to the right, with a radius of 400.00 feet, the direct azimuth and distance being:
58.  $225^{\circ} 41' 45''$ —228.16 feet;
59.  $242^{\circ} 16'$ —392.61 feet along the Southeast side of the new highway to Aiea Naval Hospital. Thence along the Southeast side of the new highway to Aiea Naval Hospital, on a curve to the right, with a radius of 2834.79 feet, the direct azimuth and distance being:
60.  $249^{\circ} 06' 55''$ —676.08 feet;
61.  $345^{\circ} 57' 50''$ —5.00 feet along the Southerly side of the new highway to Aiea Naval Hospital. Thence along the Southerly side of the new highway to Aiea Naval [471] Hospital, on a curve to the right, with a radius of 2829.79 feet, the direct azimuth and distance being:

## Exhibit A—(Continued)

62.  $258^{\circ} 22' 10''$ —237.55 feet;
63.  $260^{\circ} 46' 30''$ —121.70 feet along the Southerly side of the new highway to Aiea Naval Hospital;
64.  $170^{\circ} 46' 30''$ —5.00 feet along the Southerly side of the new highway to Aiea Naval Hospital;
65.  $260^{\circ} 46' 30''$ —1050.32 feet along the Southerly side of the new highway to Aiea Naval Hospital to the point of beginning and containing a gross area of 74.468 acres and a net area of 73.923 acres, after excluding and deducting Portion A described as follows: (and as delineated on 14th Naval District Drawing No. OA-N1-490)



Exhibit A—(Continued)

PORTION A

Estate of L. L. McCandless—Owner

Land situated near the Southeast side of Kamehameha Highway approximately 300 feet East of Halawa Bridge at Halawa, Ewa, Oahu, T. H.

Being the Whole of Royal Patent 457, Land Commission Award 2131, Apana 1 to Kanihoalii for Kaukiwaa.

Beginning at the Southwest corner of this parcel of land, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 763.60 feet North and 9583.20 feet West, and running by azimuths measured clockwise from true South:

1.  $164^{\circ} 00'$ —124.00 feet along L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui; [472]
2.  $155^{\circ} 00'$ —186.00 feet along L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui;
3.  $234^{\circ} 00'$ —83.00 feet along L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui;
4.  $338^{\circ} 15'$ —319.00 feet along L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui;
5.  $61^{\circ} 00'$ —83.00 feet along L. C. Aw. 7712 and 8516-B to M. Kekuanaoa and Kamaikui to the point of beginning and containing an area of 0.545 acre, and as delineated on 14th Naval District Drawing No. OA-N1-490.

Portion B is subject to the following easements, said easements being delineated on aforesaid drawing.

Exhibit A—(Continued)

EASEMENTS 1-A and 1-B

The Hawaiian Electric Co., Ltd.'s Easement for  
Transmission Line Fifty (50) Feet Wide

Land situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land  
Commission Award 7712 and 8516-B to M. Kek-  
uanaoa and Kamaikui.

Centerline Description of Easement 1-A.

Beginning on the Southeasterly boundary of Por-  
tion B, and on the centerline of the Hawaiian Elec-  
tric Co., Ltd.'s easement, the coordinates of which  
referred to Government Survey Triangulation Sta-  
tion "Salt Lake" being 1731.59 feet North and  
8216.66 feet West, and running by azimuth measured  
clockwise from true South:

1.  $173^{\circ} 52' 30''$ —142.96 feet. [473]

Centerline Description of Easement 1-B.

Beginning on the Southeasterly boundary of Por-  
tion B, and on the centerline of the Hawaiian Elec-  
tric Co., Ltd.'s easement, the coordinates of which  
referred to Government Survey Triangulation Sta-  
tion "Salt Lake" being 2461.06 feet North and  
8294.92 feet West, and running by azimuth meas-  
ured clockwise from true South:

1.  $173^{\circ} 52' 30''$ —776.24 feet to the Southeasterly  
side of the new highway to Aiea Naval Hospital.

Exhibit A—(Continued)

EASEMENT 4-B

The United States of America Perpetual Easement  
Five (5) Feet Wide Dated May 28, 1940, Re-  
corded in Liber 1581, Page 385, in the Bureau  
of Conveyances at Honolulu.

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land  
Commission Award 7712 and 8516-B to M. Kek-  
unaoa and Kamaikui.

Centerline Description.

Beginning on the Northerly boundary of Portion  
B, and on the Southerly boundary of the new high-  
way to Aiea Naval Hospital, the coordinates of  
which referred to Government Survey Triangula-  
tion Station "Salt Lake" being 3542.14 feet North  
and 7600.39 feet West, and running by azimuths  
measured clockwise from true South:

1.  $281^{\circ} 16'$ —30.32 feet;
2.  $291^{\circ} 21'$ —99.37 feet; [475]
3.  $296^{\circ} 02'$ —247.82 feet;
4.  $301^{\circ} 27'$ —154.82 feet;
5.  $306^{\circ} 27'$ —133.94 feet;
6.  $313^{\circ} 34'$ —56.76 feet to the Southerly boundary  
of Portion B.

Exhibit A—(Continued)

EASEMENT 5-B

Honolulu Plantation Co.'s Easement for Ditch  
Six (6) Feet Wide

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land Commission Award 7712 and 8516-B to M. Kekua-naoa and Kamaikui.

Centerline Description.

Beginning on the Southerly boundary of Portion B, and on the centerline of the Honolulu Plantation Co.'s easement for ditch six (6) feet wide, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3045.51 feet North and 7462.46 feet West, and running by azimuths measured clockwise from true South:

1. 200° 20'—42.25 feet;
2. 187° 22'—11.85 feet;
3. 183° 31'—363.90 feet;
4. 225° 54'—207.00 feet to the Southerly side of the new highway to Aiea Naval Hospital. [476]

Exhibit "A"—(Continued)

EASEMENT 6

Honolulu Plantation Co.'s Easement Six (6) Feet  
Wide for Underground Pipeline

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land  
Commission Award 7712 and 8516-B to M. Keku-  
anaoa and Kamaikui.

Centerline Description.

Beginning at the Southerly end of this ease-  
ment and on the Southerly boundary of Portion  
B, the coordinates of which referred to Govern-  
ment Survey Triangulation Station "Salt Lake"  
being 3249.52 feet North and 6436.60 feet West,  
and running by azimuths measured clockwise from  
true South:

1.  $176^{\circ} 06'$ —15.00 feet;
2.  $212^{\circ} 20'$ —232.53 feet. Thence on a curve to the  
left, with a radius of 230.00 feet, the chord  
azimuth and distance being:
3.  $192^{\circ} 40'$ —154.81 feet;
4.  $173^{\circ} 00'$ —157.03 feet to the Southerly side of  
the Aiea Naval Hospital Access Road, the true  
azimuth and distance to the end of the 68th  
course of Portion B, Aiea Barracks, being  
 $260^{\circ} 46' 30''$  77.41 feet, and as delineated on  
14th Naval District Drawing No. OA-N1-490.



Exhibit A—(Continued)

EASEMENT 6-A

Honolulu Plantation Co.'s Easement Six (6) Feet  
Wide for Irrigation Ditch Right-of-Way.

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land  
Commission Award 7712 and 8516-B to M. Keku-  
anaoa and Kamaikui.

Centerline Description.

Beginning at the Northwesterly end of this ease-  
ment and on the centerline of Easement 6, the  
true azimuth and distance from the end of Ease-  
ment 6 being  $353^{\circ} 00'$  2.97 feet, and running by  
azimuths measured clockwise from true South:

1.  $260^{\circ} 46' 30''$ —65.00 feet;
2.  $305^{\circ} 27'$ —55.27 feet;
3.  $302^{\circ} 30'$ —140.00 feet;
4.  $298^{\circ} 00'$ —105.00 feet;
5.  $290^{\circ} 26' 30''$ —110.30 feet;
6.  $263^{\circ} 00'$ —10.00 feet;
7.  $208^{\circ} 30'$ —14.00 feet to the Southerly side of  
Moanalua Road, and as delineated on 14th  
Naval District Drawing No. OA-N1-490. [478]

EASEMENT 8-A

Hawaiian Electric Co., Ltd.'s Easement for Trans-  
mission Line Ten (10) Feet Wide

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land  
Commission Award 7712 and 8516-B to M. Kek-  
uanaoa and Kamaikui. [479]

Exhibit A—(Continued)

Centerline Description.

Beginning on the Northeasterly boundary of Portion B, and on the Southwest side of Moanalua Road, on the centerline of the Hawaiian Electric Co., Ltd.'s easement for transmission line ten (10) feet wide, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3723.31 feet North and 6140.09 feet West, and running by azimuths measured clockwise from true South:

1.  $304^{\circ} 25' 30''$ —352.94 feet;
2.  $320^{\circ} 31'$ —3.36 feet to the Southerly boundary of Portion B.

EASEMENT 9-B

Honolulu Plantation Co.'s Easement for Electric Transmission Line Ten (10) Feet Wide

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land Commission Award 7712 and 8516-B to M. Kekuanaoa and Kamaikui.

Centerline Description.

Beginning on the Southerly boundary of Portion B, and on the centerline of the Honolulu Plantation Co.'s easement for electric transmission line ten (10) feet wide, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3234.67 feet North and 6741.45 feet West, and running by azimuth measured clockwise from true South:

Exhibit A—(Continued)

1.  $137^{\circ} 55'$ —541.99 feet to the Southerly side of the new highway to Aiea Naval Hospital. [481]

PORTION C

Trustees of B. P. Bishop Estate—Owners

Land Situated on the Northerly side of new highway to Aiea Naval Hospital between Kamehameha Highway and Moanalua Road at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land Commission Award 7712 and 8516-B to M. Kekuaaoa and Kamaikui.

Beginning at U.S.M.R. Monument No. 14 at the North corner of this parcel of land, on the boundary of the lands of Aiea and Halawa, and on the Southwest side of Moanalua Road, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 4485.44 feet North and 7212.38 feet West, and running by azimuths measured clockwise from true South:

1.  $305^{\circ} 27'$ —1130.47 feet to a pipe;
2.  $80^{\circ} 46' 30''$ —989.64 feet along the Northwest side of the new highway to Aiea Naval Hospital;
3.  $170^{\circ} 46' 30''$ —5.00 feet along the Northwest side of the new highway to Aiea Naval Hospital;
4.  $80^{\circ} 46' 30''$ —121.70 feet along the Northwest side of the new highway to Aiea Naval Hospital. Thence along the Northwest side of the

Exhibit A—(Continued)

new highway to Aiea Naval Hospital, on a curve to the left, with a radius of 2899.79 feet, the direct azimuth and distance being:

5.  $78^{\circ} 22' 10''$ —243.42 feet; [482]
6.  $345^{\circ} 57' 50''$ —5.00 feet along the Northerly side of the new highway to Aiea Naval Hospital. Thence along the Northwest side of the new highway to Aiea Naval Hospital, on a curve to the left, with a radius of 2894.79 feet, the direct azimuth and distance being:
7.  $74^{\circ} 00' 15''$ —197.99 feet. Thence along the Northwest side of the new highway to Aiea Naval Hospital, on a curve to the left, with a radius of 2894.79 feet, the direct azimuth and distance being:
8.  $67^{\circ} 09' 20''$ —493.41 feet;
9.  $62^{\circ} 16'$ —318.93 feet along the Northwest side of the new highway to Aiea Naval Hospital. Thence along the Northeasterly corner of Kamehameha Highway and the new highway to Aiea Naval Hospital, on a curve to the right, with a radius of 30.00 feet, the direct azimuth and distance being:
10.  $118^{\circ} 55'$ —50.12 feet;
11.  $209^{\circ} 07' 30''$ —279.96 feet along the Southeast side of Kamehameha Highway. Thence along the Southeast side of Kamehameha Highway, on a curve to the left, with a radius of 1120.48 feet, the direct azimuth and distance being:
12.  $203^{\circ} 11' 54''$ —231.39 feet;
13.  $287^{\circ} 16' 18''$ —15.00 feet along the Southeast-

Exhibit A—(Continued)

erly side of Kamehameha Highway. Thence along the Southeast side of Kamehameha Highway, on a curve to the left, with a radius of 1135.48 feet, the direct azimuth and distance being: [483]

14.  $194^{\circ} 45' 27''$ —99.62 feet;
15.  $237^{\circ} 48' 20''$ —1321.31 feet along the land of Aiea to the point of beginning and containing an area of 25.038 acres, and as delineated on the 14th Naval District Drawing No. OA-N1-490.

Subject to the following easements, said easements being delineated on aforesaid drawing.

EASEMENT 1-C

The Hawaiian Electric Co., Ltd.'s Easement for  
Transmission Line Fifty (50) Feet Wide

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land Commission Award 7712 and 8516-B to M. Kekuanaoa and Kamaikui.

Centerline Description.

Beginning on the Southerly boundary of Portion C, and on the Northerly side of the new highway to Aiea Naval Hospital, and on the centerline of the Hawaiian Electric Co., Ltd.'s easement for transmission line fifty (50) feet wide, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3297.04



Exhibit A—(Continued)

feet North and 8384.62 feet West, and running by azimuth measured clockwise from true South:

1.  $173^{\circ} 52' 30''$ —276.63 feet to the Easterly side of Kamehameha Highway. [484]

EASEMENT 2

Oahu Railway and Land Co.'s and Honolulu Plantation Co.'s Easement for Railroad Sixteen (16) Feet Wide

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land Commission Award 7712 and 8516-B to M. Kekua-naoa and Kamaikui.

Centerline Descriptions.

Beginning on the Westerly boundary of Portion C, and at the Easterly corner of the new highway to Aiea Naval Hospital and Kamehameha Highway, and on the centerline of the Oahu Railway and Land Co.'s and Honolulu Plantation Co.'s easement for railroad sixteen (16) feet wide, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3206.39 feet North and 8577.60 feet West, and running by azimuths measured clockwise from true South:

1.  $242^{\circ} 20'$ —452.63 feet. Thence on a curve to the left, with a radius of 722.79 feet, the direct azimuth and distance being:
2.  $218^{\circ} 18' 30''$ —588.55 feet;
3.  $194^{\circ} 17'$ —282.18 feet to the Halawa-Aiea bound-

Exhibit A—(Continued)

ary, being also the Northwest boundary of  
Portion C. [485]

Centerline Description of Siding.

Beginning on the centerline of the above described easement, the coordinates of which referred to Government Survey Tringulation Station "Salt Lake" being 3778.39 feet North and 7845.28 feet West, and running by azimuths measured clockwise from true South:

On a curve to the left, with a radius of 161.40 feet, the direct azimuth and distance being:

1. 209° 04' 50"—64.29 feet.

Thence on a curve to the left, with a radius of 733.56 feet, the direct azimuth and distance being:

2. 195° 57' 46"—43.00 feet;
3. 194° 17'—292.71 feet to the Halawa-Aiea boundary, being also the Northwest boundary of Portion C.

EASEMENT 4-A

The United States of America Perpetual Easement  
Five (5) Feet Wide Dated May 28, 1940, Recorded in Liber 1581, Page 395, in the Bureau of Conveyances at Honolulu.

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land Commission Award 7712 and 8516-B to M. Kekua-naoa and Kamaikui.

Exhibit A—(Continued)

Centerline Description.

Beginning on the Halawa-Aiea boundary, on the Northwest boundary of Portion C, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3870.67 feet North and 8188.87 feet West, and running by azimuths measured clockwise from true South:

1.  $339^{\circ} 42'$ —102.13 feet; [487]
2.  $338^{\circ} 32'$ —182.96 feet;
3.  $337^{\circ} 23'$ —126.71 feet;
4.  $250^{\circ} 51'$ —77.55 feet;
5.  $254^{\circ} 44'$ —115.67 feet;
6.  $262^{\circ} 50'$ —36.41 feet to the Northerly side of the new highway to Aiea Naval Hospital.

EASEMENT 5-A

Honolulu Plantation Co.'s Easement for Ditch Six  
(6) Feet Wide

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of Royal Patent 6717, Land Commission Award 7712 and 8516-B to M. Kekua-haoa and Kamaikui.

Centerline Description.

Beginning on the Southerly boundary of Portion C, and on the Northerly side of the new highway to Aiea Naval Hospital, and on the centerline of the Honolulu Plantation Co.'s easement for ditch six (6) feet wide, the coordinates of which referred to Government Survey Triangulation Sta-

Exhibit A—(Continued)

tion "Salt Lake" being 3683.26 feet North and 7193.66 feet West, and running by azimuths measured clockwise from true South:

1. 225° 54'—579.52 feet;
2. 305° 01'—134.00 feet;
3. 268° 30'—7.00 feet;
4. 228° 44'—66.25 feet; [488]
5. 305° 27'—346.40 feet;
6. 336° 32'—22.18 feet to the Northerly side of the new highway to Aiea Naval Hospital, being also the Southern boundary of Portion C.

EASEMENT 9-A

Honolulu Plantation Co.'s Easement for Electric Transmission Line Ten (10) Feet Wide

Land Situated at Halawa, Ewa, Oahu, T. H. Being a Portion of Royal Patent 6717, Land Commission Award 7712 and 8516-B to M. Kekuanaoa and Kamaikui.

Centerline Description:

Beginning on the Southerly boundary of Portion B, on the Northerly side of the new highway to Aiea Naval Hospital, and on the centerline of the Honolulu Plantation Co.'s easement for electric transmission line ten (10) feet wide, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3689.93 feet North and 7152.58 feet West, and running by azimuths measured clockwise from true South:

Exhibit A—(Continued)

1. 137° 55'—298.25 feet;
2. 120° 52'—461.30 feet to the Halawa-Aiea boundary, being also the Northwest boundary of Portion C. [490]

AIEA BARRACKS

2ND ADDITIONAL AND 3RD ADDITIONAL

Land Situated at Halawa and Aiea, Ewa,  
Oahu, T. H.

Descriptions of:

Aiea Barracks 2nd Additional. Apparent owner: B. P. Bishop Estate; area, 26.195 acres.

Aiea Barracks 3rd Additional (Honolulu Plantation Co. Land). Apparent owner: Honolulu Plantation Co.; area, 2.732 acres.

Aiea Barracks 3rd Additional (B. P. Bishop Estate Land). Apparent owner: B. P. Bishop Estate; area, 1.716 acres. [491]

AIEA BARRACKS 2ND ADDITIONAL

Land Situated on the North Side of Aiea Naval Hospital Road and East of Aiea Barracks 1st Additional at Halawa, Ewa, Oahu, T. H.

Being a Portion of the Ahupuaa of Halawa and Being Also a Portion of Royal Patent 6717, Land Commission Award 7712 and 8516-B to M. Kekuanaoa and Kamaikui.

Beginning at a pipe at the Southwest corner of this parcel of land, on the North side of Aiea



## Exhibit A—(Continued)

Naval Hospital Road, and being also the Southeast corner of Aiea Barracks 1st Additional, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 3,889.15 feet North and 5,925.85 feet West, and running by azimuths measured clockwise from true South:

1.  $222^{\circ} 27'$ —443.40 feet along Aiea Barracks 1st Additional, being also along a remainder of the land of Halawa, to a pipe;
2.  $141^{\circ} 55'$ —598.40 feet along Aiea Barracks 1st Additional, being also along a remainder of the land of Halawa, to a pipe;
3.  $134^{\circ} 50'$ —84.65 feet along Aiea Barracks 1st Additional, being also along a remainder of the land of Halawa, to a pipe;
4.  $131^{\circ} 30' 30''$ —213.00 feet along Aiea Barracks 1st Additional, being also along a remainder of the land of Halawa, to a pipe;
5.  $126^{\circ} 33'$ —204.40 feet along Aiea Barracks 1st Additional, being also along a [492] remainder of the land of Halawa, to a pipe;
6.  $237^{\circ} 47' 30''$ —318.67 feet along U. S. Naval Reservation to a pipe;
7.  $295^{\circ} 12'$ —118.10 feet along a remainder of the land of Halawa to a pipe;
8.  $285^{\circ} 14'$ —96.50 feet along a remainder of the land of Halawa to a pipe;
9.  $279^{\circ} 02'$ —110.20 feet along a remainder of the land of Halawa to a pipe;
10.  $300^{\circ} 22'$ —167.40 feet along a remainder of the land of Halawa to a pipe;

Exhibit A—(Continued)

11.  $236^{\circ} 42'$ —71.10 feet along a remainder of the land of Halawa to a pipe;
12.  $302^{\circ} 06'$ —78.30 feet along a remainder of the land of Halawa to a pipe;
13.  $294^{\circ} 24'$ —46.40 feet along a remainder of the land of Halawa to a pipe;
14.  $280^{\circ} 48'$ —69.50 feet along a remainder of the land of Halawa to a pipe;
15.  $268^{\circ} 39' 30''$ —191.23 feet along a remainder of the land of Halawa to a pipe;
16.  $289^{\circ} 57' 30''$ —193.83 feet along a remainder of the land of Halawa to a pipe; thence along a remainder of the land of Halawa, on a curve to the right, with a radius of 460.00 feet, the chord azimuth and distance being,
17.  $314^{\circ} 05' 45''$ —376.21 feet;
18.  $338^{\circ} 14'$ —529.30 feet along a remainder of the land of Halawa to the Northerly side of Aiea Naval Hospital Road; thence along the Northerly side of Aiea Naval Hospital Road, on a curve to the left, with a radius of 5759.58 feet, the chord azimuth and distance being,
19.  $83^{\circ} 24' 18''$ —328.35 feet to a pipe; [493]
20.  $171^{\circ} 46' 18''$ —15.00 feet along the East side of Aiea Naval Hospital Road to a pipe; thence along the North side of Aiea Naval Hospital Road, on a curve to the left, with a radius of 5774.58 feet, the chord azimuth and distance being,
21.  $81^{\circ} 16' 24''$ —100.45 feet to a pipe;

Exhibit A—(Continued)

22. 80° 46' 30"—700.31 feet along the North side of Aiea Naval Hospital Road to a pipe;
23. 350' 46' 30"—15.00 feet along the West side of Aiea Naval Hospital Road to a pipe;
24. 80° 46' 30"—240.73 feet along the North side of Aiea Naval Hospital Road to the point of beginning and containing an area of 26.195 acres, and as delineated on the 14th Naval District Drawing No. OA-N1-1076.

Subject to Easements A-4, A-5 and B hereinafter described, said easements being delineated on the aforesaid drawing. [494]

ALFA BARRACKS 3RD ADDITIONAL  
(Honolulu Plantation Co. Land)

Land Situated at Aiea, Ewa, Oahu, T. H.

Being Land Quitclaimed by the United States of America to Waialua Agricultural Co., Ltd., by Deed Dated January 26, 1929 and Recorded in the Bureau of Conveyances at Honolulu in Liber 1000, Page 14, and Being Also the Land Conveyed by Waialua Agricultural Co., Ltd., to Honolulu Plantation Co. by Deed Dated January 29, 1929 and Recorded in the Bureau of Conveyances at Honolulu in Liber 1002, Page 91.

Beginning at a pipe at the South corner of this parcel of land, on the Northeast side of Moanalua Road, being also the West corner of Parcel T-1 (government road 30 feet wide), the coordinates of

Exhibit A—(Continued)

which referred to Government Survey Triangulation Station "Salt Lake" being 4,551.82 feet North and 7,219.78 feet West, and running by azimuths measured clockwise from true South:

1.  $125^{\circ} 15' 10''$ —238.28 feet along the Northeast side of Moanalua Road to the Southerly side of Oahu Railway and Land Company's railroad right-of-way; thence along the Southerly side of Oahu Railway and Land Company's railroad right-of-way, on a curve to the right, with a radius of 935.40 feet, the chord azimuth and distance being,
2.  $241^{\circ} 21' 50''$ —397.03 feet;
3.  $253^{\circ} 37'$ —203.85 feet along the Southerly side of Oahu Railway and Land Company's railroad right-of-way; [495] thence along the Southerly side of Oahu Railway and Land Company's railroad right-of-way, on a curve to the left, with a radius of 657.30 feet, the chord azimuth and distance being,
4.  $250^{\circ} 44' 47''$ —65.83 feet;
5.  $330^{\circ} 24'$ —125.45 feet along Aiea Barracks 3rd Additional (B. P. Bishop Estate Land), being also along Grant 10197 to B. P. Bishop Estate;
6.  $57^{\circ} 49' 30''$ —559.49 feet along Parcel T-1 (government road 30 feet wide) to the point of beginning and containing an area of 2.732 acres, and as delineated on 14th Naval District Drawing No. OA-N1-1076. [496]

Exhibit A—(Continued)

AIEA BARRACKS 3RD ADDITIONAL  
(B. P. Bishop Estate Land)

Land Situated at Aiea, Ewa, Oahu, T. H.

Being a Portion of Grant 10197 to B. P. Bishop Estate.

Beginning at the South corner of this parcel of land, on the Northwest boundary of Parcel T-1 (government road 30 feet wide), being also the East corner of Aiea Barracks 3rd Additional (Honolulu Plantation Company Land), the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 4,849.76 feet North and 6,746.21 feet West, and running by azimuths measured clockwise from true South:

1.  $150^{\circ} 24'$ —125.45 feet along Aiea Barracks 3rd Additional (Honolulu Plantation Company Land) to the Southerly side of Oahu Railway and Land Company's railroad right-of-way; thence along the Southerly side of Oahu Railway and Land Company's railroad right-of-way, on a curve to the left, with a radius of 657.30 feet, the chord azimuth and distance being,
2.  $239^{\circ} 56' 17''$ —181.54 feet;
3.  $232^{\circ} 00'$ —174.15 feet along a remainder of Grant 10197 to B. P. Bishop Estate; thence along a remainder of Grant 10197 to B. P. Bishop Estate, on a curve to the right, with



Exhibit A—(Continued)

a radius of 343.17 feet, the chord azimuth and distance being,

4. 257° 57'—300.33 feet; [497] thence along a remainder of Grant 10197 to B. P. Bishop Estate, on a curve to the left, with a radius of 613.14 feet, the chord azimuth and distance being,
5. 306° 31' 06"—34.99 feet to the Northwest side of government road 30 feet wide;
6. 57° 47' 30"—655.00 feet along government road 30 feet wide and along Parcel T-1 to the point of beginning and containing an area of 1.716 acres, and as delineated on 14th Naval District Drawing No. OA-N1-1076.

Subject to Easement A-1 hereinafter described, said easement being delineated on the aforesaid drawing. [498]

EASEMENT A-1

Description of Centerline of Irrigation Pipeline Right-of-Way for Honolulu Plantation Co.

Beginning at the Northwest end of this easement, on the Northwesterly boundary of Aiea Barracks 3rd Additional (B. P. Bishop Estate Land), the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 5,177.52 feet North and 6,484.50 feet West, and running by azimuths measured clockwise from true South:

## Exhibit A—(Continued)

1.  $320^{\circ} 53'$ —69.87 feet;
2.  $324^{\circ} 40' 30''$ —68.59 feet to the Southeast boundary of Aiea Barracks 3rd Additional (B. P. Bishop Estate Land), the true azimuth and distance to the initial point of Aiea Barracks 3rd Additional (B. P. Bishop Estate Land), being  $57^{\circ} 47' 30''$  408.27 feet, and as delineated on 14th Naval District Drawing No. OA-N1-1076. [499]

## EASEMENT A-4

Description of Centerline of Irrigation Pipeline  
Right-of-Way for Honolulu Plantation Co.

Beginning at the West end of this easement, on the Northwest boundary of Aiea Barracks 2nd Additional, and on the Southeast side of U. S. Naval Reservation 30 feet wide, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 5,018.33 feet North and 6,366.02 feet West, and running by azimuths measured clockwise from true South:

1.  $279^{\circ} 32'$ —136.29 feet;
2.  $305^{\circ} 29'$ —685.71 feet;
3.  $299^{\circ} 41' 30''$ —455.79 feet;
4.  $313^{\circ} 19'$ —257.21 feet;
5.  $342^{\circ} 34'$ —61.31 feet;
6.  $291^{\circ} 18' 30''$ —184.28 feet to the end of the 20th course of Aiea Barracks 2nd Additional and as delineated on 14th Naval District Drawing No. OA-N1-1076.

Exhibit A—(Continued)

EASEMENT A-5

Description of Centerline of Irrigation Ditch  
Right-of-Way for Honolulu Plantation Co.

Beginning at the North end of this easement, on the Northerly boundary of Aiea Barracks 2nd Additional, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 5,097.84 feet North and 5,870.32 feet West, and running by azimuths measured clockwise from true South:

1.  $17^{\circ} 17'$ —42.41 feet;
2.  $34^{\circ} 54'$ —200.00 feet;
3.  $8^{\circ} 29'$ —59.00 feet to the centerline of Easement A-4.
4.  $40^{\circ} 06'$ —98.81 feet to the Westerly boundary of Aiea Barracks 2nd Additional, the true azimuth and distance to the end of the 4th course of Aiea Barracks 2nd Additional being  $131^{\circ} 30' 30''$  194.33 feet, and as delineated on the 14th Naval District Drawing No. OA-N1-1076.

EASEMENT B

Description of Centerline of Irrigation Ditch for  
Honolulu Plantation Co.

Beginning at the North end of this easement, on the Easterly boundary of Aiea Barracks 2nd Ad-

## Exhibit A—(Continued)

ditional, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 4,615.57 feet North and 4,781.82 feet West, and running by azimuths measured clockwise from true South:

1.  $12^{\circ} 31' 30''$ —71.99 feet;
2.  $360^{\circ} 00'$ —70.00 feet;
3.  $336^{\circ} 30'$ —60.00 feet;
4.  $345^{\circ} 00'$ —160.00 feet;
5.  $319^{\circ} 00'$ —45.00 feet;
6.  $337^{\circ} 00'$ —50.00 feet;
7.  $18^{\circ} 00'$ —60.00 feet;
8.  $338^{\circ} 30'$ —50.00 feet to the Southerly boundary of [502] Aiea Barracks 2nd Additional, the true azimuth and distance to the end of the 18th course of Aiea Barracks 2nd Additional being  $264^{\circ} 28' 53''$  112.00 feet, and as delineated on 14th Naval District Drawing No. OA-N1-1076.

## DESCRIPTION OF 15.076 ACRES OF LAND

Situated at the North Corner of Moanalua Road and Aiea Naval Hospital Road at Halawa, Ewa, Oahu, T. H. [504]

## B. P. BISHOP ESTATE, OWNER

Land Situated at the North Corner of Moanalua Road and Aiea Naval Hospital Road at Halawa, Ewa, Oahu, T. H.

Being a Portion of the Ahupuaa of Halawa and Being a Portion of Royal Patent 6717, Land

Exhibit A—(Continued)

Commission Award 7712 and 8516-B to M. Kekuanaoa and Kamaikui.

Beginning at a “†” on concrete at the West corner of this parcel of land, being also the South corner of the Aiea School Lot, and on the Northeast side of Moanalua Road, the coordinates of which referred to Government Survey Triangulation Station “Salt Lake” being 4166.08 feet North and 6677.62 feet West, and running by azimuths measured clockwise from true South:

1.  $215^{\circ} 27'$ —626.34 feet along remainder of the land of Halawa along Aiea School Lot to a pipe;
2.  $125^{\circ} 27'$ —342.65 feet along remainder of the land of Halawa along Aiea School Lot to a pipe;
3.  $237^{\circ} 47' 30''$ —253.00 feet along U. S. Naval Reservation 30-foot right-of-way along the Aiea-Halawa boundary to a pipe;
4.  $306^{\circ} 33'$ —204.40 feet along remainder of the land of Halawa to a pipe;
5.  $311^{\circ} 30' 30''$ —213.00 feet along remainder of the land of Halawa to a pipe;
6.  $314^{\circ} 50'$ —84.65 feet along remainder of the land of Halawa to a pipe; [505]
7.  $321^{\circ} 55'$ —598.40 feet along remainder of the land of Halawa to a pipe;
8.  $42^{\circ} 27'$ —443.40 feet along remainder of the land of Halawa to the North side of the Aiea Naval Hospital Road to a pipe;
9.  $80^{\circ} 46' 30''$ —299.30 feet along the North side



Exhibit A—(Continued)

of the Aiea Naval Hospital Road to a pipe;  
10.  $125^{\circ} 27'$ —560.19 feet along the Northeast side of Moanalua Road to the point of beginning and containing an area of 15.076 acres, and as delineated on the 14th Naval District Drawing No. OA-N1-626.

Subject to the Following Easements, said easements being delineated on the aforesaid drawing.

EASEMENT A-6

Easement Ten (10) Feet Wide for  
Underground Pipeline.

Being a Strip of Land Ten (10) Feet Wide Extending Five (5) Feet on Each Side of the Following Described Centerline:

Beginning at the Southwest end of this easement and on the Northeast side of Moanalua Road, the coordinates of which referred to Government Survey Triangulation Station "Salt Lake" being 4075.60 feet North and 6550.54 feet West, and running by azimuths measured clockwise from true South:

1.  $213^{\circ} 53' 30''$ —179.08 feet;
2.  $215^{\circ} 27'$ —656.90 feet to the Northeasterly boundary of Aiea Barracks 1st Additional, the true azimuth and distance to the end of the 5th course being  $311^{\circ} 30' 30''$  18.67 feet, and as delineated on 14th Naval District Drawing No. OA-N1-626. [506]

Exhibit A—(Continued)

EASEMENT A-7

Easement Ten (10) Feet Wide for  
Underground Pipeline.

Being a Portion of Land Ten (10) Feet Wide  
Extending Five (5) Feet on Each Side of the  
Following Described Centerline:

Beginning at the Westerly end of this ease-  
ment and on the centerline of Easement A-6, the  
true azimuth and distance from the initial point  
of Easement A-6 being  $213^{\circ} 53' 30''$  10.00 feet,  
and running by an azimuth measured clockwise  
from true South:

1.  $305^{\circ} 27'$ —414.58 feet to the Southerly boun-  
dary of Aiea Barracks 1st Additional, the  
true azimuth and distance to the end of the  
9th course of Aiea Barracks 1st Additional  
being  $80^{\circ} 46' 30''$  14.23 feet, and as delineated  
on 14th Naval District Drawing No. OA-N1-  
626.

.....,

Registered Professional Surveyor, Certificate No.  
151.

Honolulu, T. H., April 9, 1945. [507]

[Endorsed]: Filed Aug. 27, 1945.

[463]

[Title of District Court and Cause No. 535.]

MOTION FOR ORDER AMENDING  
PETITION IN CONDEMNATION

Now comes the Petitioner, United States of America, by its Attorney, Charles F. Rathbun, Special Assistant to the Attorney General, and moves that an order be entered amending the Petition in Condemnation herein by striking from Paragraph I in said Petition in the 14th, 15th, 16th and 17th lines of said Paragraph the words and figures;

“ “A1”, “A2” and “A3”, hereto annexed and made parts hereof as though set forth at length and shown upon maps marked Exhibits “B-1”, “B-2” and “B-3”, also attached hereto.”

and substituting therefor after the word “Exhibits” in the 14th line of said paragraph: [510]

“ “A” hereto attached and made a part hereof as though set forth at length and shown upon maps marked Exhibits “B-1”, “B-2” and “B-3” also attached hereto”;

Also by striking from said petition Exhibits “A-1”, “A-2” and “A-3” as attached thereto and Exhibits “B-1”, “B-2” and “B-3” as attached thereto and substituting for said exhibits thus stricken Exhibits “A” and Exhibits “B-1”, “B-2” and “B-3” as attached to this motion and making said Exhibits “A”, “B-1”, “B-2” and “B-3” a part of said Petition as though set forth at length therein;

And also by striking from said Petition the whole of Paragraph III therein and substituting for said Paragraph III a new Paragraph III as follows:

“That the estate sought to be condemned in this action is in fee simple subject, however, to the following rights and reservations:

1. As to Portion B of the lands described in Exhibit “A”, and delineated on Exhibit “B-1” subject to:

A. The existing right of the Hawaiian Electric Company, Limited, its successors and assigns, to operate, maintain, and repair, electric power transmission poles and wire lines, together with the right of ingress and egress for such purposes, over the rights of way, the centerlines of which are delineated on Exhibit “B-1”, attached hereto, as Easements 1-A, 1-B, and 8-A; said right having been acquired by the said Hawaiian Electric Company, Limited, from the Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, by (1) unrecorded lease No. 5877, dated December 1, 1937, [511] expiring January 1, 1966, and (2) by that certain lease agreement No. 7117, from the Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, dated July 1, 1943, expiring December 31, 1965, and recorded in the Bureau of Conveyances of the Territory of Hawaii in Liber 1787, at Page 259.

B. The right hereby reserved unto George Miles Collins, John Kirkwood Clarke, Frank Elbert Midkiff, Edwin Paulhaulani Murray and Joseph Boyd Poindexter, as Trustees under the Will and of the

Estate of Bernice P. Bishop, Deceased, and to their successors in trust, assigns and lessees, to operate, maintain, and repair the following facilities for plantation purposes, together with the right of ingress and egress for such purposes, for so long only as the rights of way over which said facilities pass are used for such purposes:

(a) Electric power transmission poles and wire lines over the right of way, the centerline of which is described in and delineated on Exhibits "A" and "B-1", attached hereto as Easement 9-B;

(b) Irrigation ditches over and along the rights of way the centerlines of which are described in, and delineated on Exhibits "A" and "B-1", attached hereto as Easements 5-B and 6-A;

(c) A pipeline under and along the right of way, the centerline of which is described in, and delineated on Exhibits "A" and "B-1", attached hereto as Easement 6;

2. As to Portion C of the lands described in Exhibit "A", and delineated on Exhibit "B-1" subject to;

A. The existing right of the Hawaiian Electric Company, Limited, its successors and assigns, to operate, maintain, and repair, electric power transmission poles and wire lines, together [512] with the right of ingress and egress for such purposes, over the right of way, the centerline of which is described in Exhibit "A" and delineated on Exhibit "B-1", attached hereto as Easement 1-C; said right having been acquired by the said Hawaiian Electric Company, Limited, from the



Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, by unrecorded lease No. 5877, dated December 1, 1937, expiring January 1, 1966.

B. The right hereby reserved unto George Miles Collins, John Kirkwood Clarke, Frank Elbert Midkiff, Edwin Pauhaulani Murray and Joseph Boyd Poindexter, as Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, and to their successors in trust, assigns and lessees, to operate, maintain, and repair the following facilities for plantation purposes, together with the right of ingress and egress for such purposes, for so long only as the rights of way over which said facilities pass are used for such purposes:

(a) Electric power transmission poles and wire lines over the right of way, the centerline of which is described in and delineated on Exhibits "A" and "B-1", attached hereto as Easement 9-A;

(b) Railway tracks and facilities, including the operation of locomotives and cars over the same over the centerline described in and delineated on Exhibits "A" and "B-1", attached hereto as Easement 2;

(c) A pipeline under and along the centerline of the right of way described in and delineated on Exhibits "A" and "B-1", attached hereto as Easement 5-A;

3. As to the lands described in Exhibit "A" and delineated on Exhibit "B-2" as "Aiea Barracks 1st Additional," subject to: [513]

A. The right hereby reserved unto George Miles

Collins, John Kirkwood Clarke, Frank Elbert Midkiff, Edwin Pauhaulani Murray and Joseph Boyd Poindexter, as Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, and to their successors in trust, assigns and lessees, to operate, maintain, and repair the following facilities for plantation purposes, together with the right of ingress and egress for such purposes, for so long only as the rights of way over which said facilities pass are used for such purposes:

(a) Pipelines under and along the centerlines of the rights of way described in and designated on Exhibits "A" and "B-2", attached hereto as Easements A-6 and A-7.

4. As to the lands described in Exhibit "A" and delineated on Exhibit "B-3" as "Aiea Barracks 2nd and 3rd Additional" subject to:

A. The right hereby reserved unto George Miles Collins, John Kirkwood Clarke, Frank Elbert Midkiff, Edwin Pauhaulani Murray and Joseph Boyd Poindexter, as Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, and to their successors in trust, assigns and lessees, to operate, maintain and repair the following facilities for plantation purposes, together with the right of ingress and egress for such purposes, for so long as the rights of way over which said facilities pass are used for such purposes:

(a) Irrigation ditches over and along the centerline of the rights of way described in and delineated on Exhibits "A" and "B-3" attached hereto as Easements B and A-5;

(b) Pipelines under and along the centerline of the right of way described in and designated on Exhibits "A" and "B-3" attached hereto as Easements A-1 and A-4." [514]

Petitioner states that it is necessary that the petition herein be amended to more accurately define the estate being taken.

Dated Honolulu, T. H., this 27th day of August, 1945.

UNITED STATES  
OF AMERICA,

By /s/ CHARLES F. RATHBUN,  
Special Asst. to the Atty. Gen.

[Printer's Note]: Exhibit "A" is the same as Exhibit "A" set out at pages 281-1a - 281-36a.

[Endorsed]: Filed Aug. 27, 1945.

[515]

[Title of District Court and Cause No. 535.]

ORDER AMENDING PETITION  
IN CONDEMNATION

Now this 27th day of August, 1945, upon motion by the Petitioner, United States of America, by its Attorney, Charles F. Rathbun, Special Assistant to the Attorney General, it appearing that it is necessary to more accurately define the estate being taken herein by amending the Petition in the above cause,

It Is Ordered:

That the Petition in Condemnation herein be amended by striking from Paragraph I in said Petition in the 14th, 15th, 16th and 17th lines of said Paragraph the words and figures:

“ “A-1”, “A-2” and “A-3”, hereto annexed and made parts hereof as though set forth at length and shown upon maps marked Exhibits “B-1”, “B-2” and “B-3”. also attached hereto.”

and substituting therefore after the word “Exhibits” in the 14th line of said paragraph. [563]

“ “A” hereto attached and made a part hereof as though set forth at length and shown upon maps marked Exhibits “B-1”, “B-2” and “B-3” also attached hereto”:

Also by striking from said petition Exhibits “A-1”, “A-2” and “A-3” as attached thereto and Exhibits “B-1”, “B-2” and “B-3” as attached thereto and substituting for said exhibits thus

stricken Exhibits "A" and Exhibits "B-1", "B-2" and "B-3" as attached to the Motion for an Order amending Petition and making said Exhibits "A", "B-1", "B-2" and "B-3" a part of said Petition as though set forth at length therein;

Also by striking from said Petition the whole of Paragraph III therein and substituting for said Paragraph III a new Paragraph III as follows:

"That the estate sought to be condemned in this action is in fee simple subject, however, to the following rights and reservations:

1. As to Portion B of the lands described in Exhibit "A", and delineated on Exhibit "B-1" subject to:

A. The existing right of the Hawaiian Electric Company, Limited, its successors and assigns, to operate, maintain, and repair, electric power transmission poles and wire lines, together with the right of ingress and egress for such purposes, over the rights of way, the centerlines of which are described in Exhibit "A" and delineated on Exhibit "B-1", attached hereto, as Easements 1-A, 1-B and 8-A; said right having been acquired by the said Hawaiian Electric Company, Limited, from the Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, by (1) unrecorded lease No. 5877, dated December 1, 1937, [564] expiring January 1, 1966, and (2) by that certain lease agreement No. 7117, from the Trustees under the Will and of the Estate of Bernice P. Bishop, deceased, dated July 1, 1943, expiring December 31, 1965, and recorded in the Bureau of Conveyances



of the Territory of Hawaii in Liber 1787, at Page 259.

B. The Right hereby reserved unto George Miles Collins, John Kirkwood Clarke, Frank Elbert Midkiff, Edwin Pauhaulani Murray and Joseph Boyd Poindexter, as Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, and to their successors in trust, assigns and lessees, to operate, maintain, and repair the following facilities for plantation purposes, together with the right of ingress and egress for such purposes, for so long only as the rights of way over which said facilities pass are used for such purposes;

(a) Electric power transmission poles and wire lines over the right of way, the centerline of which is described in and delineated on Exhibits "A" and "B-1", attached hereto as **Easement 9-B**;

(b) Irrigation ditches over and along the rights of way, the centerlines of which are described in, and delineated on Exhibits "A" and "B-1", attached hereto as **Easements 5-B and 6-A**;

(c) A pipeline under and along the right of way, the centerline of which is described in, and delineated on Exhibits "A" and "B-1", attached hereto as **Easement 6**;

2. As to Portion C of the lands described in Exhibit "A", and delineated on Exhibits "B-1", subject to;

A. The existing right of the Hawaiian Electric Company, Limited, its successors and assigns, to operate, maintain, and repair, electric power transmission poles and wire lines, together [565] with

the right of ingress and egress for such purposes, over the right of way, the centerline of which is described in Exhibit "A" and delineated on Exhibit "B-1", attached hereto as Easement 1-C; said right having been acquired by the said Hawaiian Electric Company, Limited, from the Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, by unrecorded Lease No. 5877, dated December 1, 1937, expiring January 1, 1966.

B. The right hereby reserved unto George Miles Collins, John Kirkwood Clarke, Frank Elbert Midkiff, Edwin Pauhaulani Murray and Joseph Boyd Poindexter, as Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, and to their successors in trust, assigns and lessees, to operate, maintain, and repair the following facilities for plantation purposes, together with the right of ingress and egress for such purposes, for so long only as the rights of way over which said facilities pass are used for such purposes:

(a) Electric power transmission poles and wire lines over the right of way, the centerline of which is described in and delineated on Exhibits "A" and "B-1", attached hereto as Easement 9-A:

(b) Railway tracks and facilities, including the operation of locomotives and cars over the same over the centerline described in and delineated on Exhibits "A" and "B-1", attached hereto as Easement 2;

(c) A pipeline under and along the centerline of the right of way described in and delineated

on Exhibits "A" and "B-1", attached hereto as Easement 5-A;

3. As to the lands described in Exhibit "A" and delineated on Exhibit "B-2" as "Aiea Barracks 1st Additional," subject to: [566]

A. The right hereby reserved unto George Miles Collins, John Kirkwood Clarke, Frank Elbert Midkiff, Edwin Pauhaulani Murray and Joseph Boyd Poindexter, as Trustees under the Will and of the Estate of Bernice P. Bishop, deceased, and to their successors in trust, assigns and lessees, to operate, maintain, and repair the following facilities for plantation purposes, together with the right of ingress and egress for such purposes, for so long only as the rights of way over which said facilities pass are used for such purposes:

(a) Pipelines under and along the centerlines of the rights of way described in and designated on Exhibits "A" and "B-2", attached hereto as Easements A-6 and A-7.

4. As to the lands described in Exhibit "A" and delineated on Exhibit "B-3" as "Aiea Barracks 2nd and 3rd Additional" subject to:

A. The right hereby reserved unto George Miles Collins, John Kirkwood Clarke, Frank Elbert Midkiff, Edwin Pauhaulani Murray and Joseph Boyd Poindexter, as Trustees under the Will and of the Estate of Bernice P. Bishop, deceased, and to their successors in trust, assigns and lessees, to operate, maintain, and repair the following facilities for plantation purposes, together with the right of ingress and egress for such purposes, for so long only

as the rights of way over which said facilities pass are used for such purposes;

(a) Irrigation ditches over and along the centerlines of the rights of way described in and delineated on Exhibits "A" and "B-3" attached hereto as Easements B and A-5;

(b) Pipelines under and along the centerline of the right of way described in and designated on Exhibits "A" and "B-3" attached hereto as Easements A-1 and A-4."

Dated Honolulu, T. H., this 27th day of August, 1945.

/s/ D. E. METZGER,

Judge of the United States District Court for the District of Hawaii.

[Endorsed]: Filed Aug. 27, 1945.

[567]

In the District Court of the United States  
For the District of Hawai'i

April Term 1945

Civil No. 535

UNITED STATES OF AMERICA,

Petitioner,

vs.

145.225 ACRES OF LAND, more or less, situate  
at Halawa and Aiea, Ewa, Island of Oahu,  
Territory of Hawaii; George Miles Collins, John  
Kirkwood Clarke, Frank Elbert Midkiff, Ed-  
win Pauhaulani Murray and Joseph Boyd Poin-  
dexter, Trustees under the Will and of the  
Estate of Bernice P. Bishop, et al.,

Defendants.

## ORDER AND JUDGMENT ON DECLARATION OF TAKING

It appearing that on October 11, 1944, the United States of America filed a Petition in Condemnation of certain land described and shown on the exhibits attached to said petition and now attached to the petition herein as amended; and,

It further appearing that a Declaration of Taking was this day filed herein, being signed by John L. Sullivan, Acting Secretary of the Navy, and that said Declaration of Taking was filed under and pursuant to provisions of the Act of Congress approved March 27, 1942 (Public Law 507—77th Congress), the Act of Congress approved June 28,



1946 (Public Law 92—78th Congress), the Act of Congress approved January 28, 1944 (Public Law 224—78th Congress), and the Act of Congress of February 26, 1931 (46 Stat. 1421), declaring taken the lands described in said Declaration of Taking to the extent shown in said Declaration of Taking and in the exhibits attached thereto. That the uses of said lands are [568] those described in the Declaration of Taking and in the Petition filed herein as amended; and that the said Declaration of Taking sets forth the estimate of just compensation made pursuant to law and that contemporaneously with the filing of said Declaration of Taking, there was deposited in the Registry of this Court for the use and benefit of the persons entitled thereto the sum of Seventy One Thousand, Four Hundred Fifty Eight Dollars, (\$71,458.00).

It Is Therefore Ordered, Adjudged and Decreed that by virtue of the filing of said Declaration of Taking and the deposit of said money, full fee simple title to the lands described and shown on Exhibits "A", "B-1", "B-2" and "B-3" attached to the said Declaration of Taking herein, be and it is hereby indefeasibly vested in the United States of America, subject to the reservations set forth in said Declaration of Taking and exhibits attached thereto.

It Is Further Ordered that a copy of this Order be promptly served by the United States Marshal upon each of the defendants in this cause. The Marshal is further ordered to post a copy hereof

in a conspicuous place on the premises and to forthwith make due return of his said service to this Court.

Dated Honolulu, T. H., this 27th day of August, 1945.

/s/ D. E. METZGER,  
Judge of the United States District Court for the  
District of Hawaii.

[Endorsed]: Filed Aug. 27, 1945.

[569]

In the District Court of the United States  
for the District of Hawaii

October Term 1944

Civil No. 536

UNITED STATES OF AMERICA,

Petitioner,

vs.

26.922 acres of land, more or less, situate at Waiawa, Waimalu, Ewa, Island of Oahu, Territory of Hawaii; FRANCIS H. I. BROWN; EDITH AUSTIN; MABEL FRAZAR AUSTIN, LINDSLEY AUSTIN and BOSTON SAFE DEPOSIT AND TRUST COMPANY, a corporation, Trustees under the Will and of the Estate of Walter Austin, deceased; HONOLULU PLANTATION COMPANY, a California corporation; HAWAIIAN TRUST COMPANY, LIMITED, an Hawaiian corporation; OAHU RAILWAY AND LAND COMPANY, a corporation; CITY AND COUNTY OF HONOLULU; TERRITORY OF HAWAII; and all other persons, companies or corporations, either known or unknown, who claim to have or own any right, title or interest of any character whatever in said land,

Defendants.

PETITION FOR CONDEMNATION

To the Honorable, the Presiding Judges of the  
United States District Court for the District of  
Hawaii:

Now comes the United States of America, by Robert S. Tarnay, Special Assistant to the Attorney General, acting under the instructions of the Attorney General of the United States and at the request of the Secretary of Navy and respectfully represents to the Court: [570]

## I.

That this proceeding is instituted under the authority of divers and sundry Acts of Congress, among them the following:

The Act of Congress approved March 27, 1942 (Public Law 507—77th Congress)

The Act of Congress approved April 28, 1942 (Public Law 528—77th Congress)

and that the Secretary of Navy, acting under authority vested in him by law has determined that it is necessary that the United States of America acquire by condemnation, by judicial process, certain lands, more particularly described and shown on Exhibits "A" and "B", hereto annexed and made parts hereof.

## II.

That the lands sought to be condemned are located at Waiawa, Waimalu, Ewa, Island of Oahu, Territory of Hawaii, and lie wholly within the jurisdiction of this Court.

## III.

That the estate sought to be condemned in this action is the fee simple title, together with all improvements thereon and appurtenances thereunto belonging, subject to existing public utility, pipe line, irrigation and drainage easements, if any there be, to Parcels 1-A, 1-B, 2-A, 2-B and 3-A; and the fee simple title subject to an easement in Parcel 3-B in favor of the Oahu Railway and Land Company for railroad purposes only for so long as it is used for such purpose; said lands are for use

as empty drum storage area in connection with the Naval Supply Depot, Pearl Harbor.

## IV.

That Francis H. I. Brown; Edith Austin; Mabel Frazar Austin, Lindsley Austin and Boston Safe Deposit and Trust Company, a corporation, Trustees under the Will and of the Estate of Walter Austin, deceased; Honolulu Plantation Company, a California corporation; Hawaiian Trust Company, Limited, an Hawaiian corporation; Oahu Railway and Land Company, a corporation; City and County of Honolulu; Territory of Hawaii and all other persons, companies or corporations, either known or unknown, who claim to have or [571] own any right, title or interest of any character whatever in said land, are made defendants herein.

## V.

That the Secretary of Navy of the United States has determined that the utmost haste in expediting this project is vital to the War purposes of the United States and that he has, therefore, determined that immediate possession of Parcels 2-B and 3-A and all improvements thereon and appurtenances thereunto belonging, to the extent of the interest to be acquired therein, is necessary by the United States and that certain and adequate provisions have been made for the payment of just compensation which may be adjudged due for the condemnation of the lands described and shown on Exhibits "A" and "B".

That the petitioner has been in possession of Parcels 1-A and 1-B from and since November 13, 1943, pursuant to right of entry.



That the petitioner has been in possession of Parcel 2-A from and since November 12, 1943.

Wherefore, your Petitioner prays this Honorable Court to take jurisdiction of this cause and enter all orders, judgments and decrees necessary to determine title of said real estate condemned, or any part thereof, and to fix and determine that the continued possession of the lands identified in paragraph V is necessary for the War and Naval purposes of the United States and that the immediate possession of the lands also identified in paragraph V is likewise necessary for the War and Naval purposes of the United States; that upon payment into the registry of this Court for the use of the persons entitled thereunto of the sum adjudged to be full compensation for the condemnation of said lands, that title to said lands be vested in the United States of America in fee simple, subject to the exceptions set forth in paragraph III: and that the Court make distribution of the final awards among the persons entitled thereto as expeditiously as may be and for such other and further relief as to the Court may seem just and proper [572] in the premises.

UNITED STATES  
OF AMERICA,

By CHARLES F. RATHBUN,  
Special Asst. to the Atty Gen.

By /s/ ROBERT S. TARNAY,  
Special Asst. to the Atty Gen.

(Duly Verified.)

[573]

EXHIBIT "A"

Descriptions of Lands Situated at Waimalu,  
Ewa, Oahu, T. H.

Parcel	Area (Acres)	Owner
1-A	0.734	Francis H. I. Brown
1-B	0.110	Francis H. I. Brown
2-A	20.510	Edith Austin, 2/3 interest Walter Austin Trust Estate, 1/3 int. Honolulu Plantation Co., Lessee
2-B	2.155	Edith Austin, 2/3 interest Walter Austin Trust Estate, 1/3 int. Honolulu Plantation Co., Lessee
3-A	2.333	Oahu Railway and Land Co.
3-B	1.080	Oahu Railway and Land Co. (Railroad right-of-way).
Total	26.922	

Note: Parcel 3-B is subject to an easement for right of passage twenty (20) feet wide in favor of Parcel 2-B. [574]

PARCEL 1-A

Francis H. I. Brown—Owner

Land Situated at Waimalu, Ewa, Oahu, T H.

Being a Portion of R. P. 327, L. C. Aw. 5586 to Kahiki. Being Also a Portion of Exclusion 4 of Land Court Application 950.

Beginning at the East corner of this parcel of land, on the Southwest side of Kamehameha Highway, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church"

being 1694.89 feet South and 8583.46 feet East, and running by azimuths measured clockwise from true South:

1.  $23^{\circ} 30'$ —444.93 feet along Lot 4-B-4 of Land Court Application 950 (Parcel 2-A);
2.  $122^{\circ} 00'$ —75.20 feet along Lot 4-B-4 of Land Court Application 950 (Parcel 2-A);
3.  $204^{\circ} 00'$ —431.86 feet along Lot 4-B-4 of Land Court Application 950 (Parcel 2-A) to a pipe;
4.  $204^{\circ} 00'$ —5.00 feet along the Southerly side of Kamehameha Highway to a pipe;
5.  $295^{\circ} 57' 30''$ —70.64 feet along the Southwest side of Kamehameha Highway to the point of beginning and containing an area of 31,965 square feet, or 0.734 acre, and as delineated on 14th Naval District Drawing No. OA-N1-808.

### PARCEL 1-B

Francis H. I. Brown—Owner

Land Situated at Waimalu, Ewa, Oahu, T. H.

Being a Portion of R. P. 329, L. C. Aw. 9407,  
Apana 2 to Kuaalu.

Beginning at the North corner of this parcel of land, on the Southwest side of Kamehameha Highway, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 2058.41 feet South and 9330.17 feet East, and running by azimuths measured clockwise from true South:

1.  $295^{\circ} 57' 30''$ —42.73 feet along the Southwest side of Kamehameha Highway;
2.  $40^{\circ} 30'$ —118.81 feet along Lot 4-B-4 of Land Court Application 950 (Parcel 2-A);
3.  $159^{\circ} 00'$ —62.00 feet along Lot 4-B-4 of Land Court Application 950 (Parcel 2-A);
4.  $230^{\circ} 00'$ —79.59 feet along Lot 4-B-4 of Land Court Application 950 (Parcel 2-A) to the point of beginning and containing an area of 4,790 square feet, or 0.11 acre, and as delineated on 14th Naval District Drawing No. OA-N1-808. [576]

### PARCEL 2-A

Owners: Edith Austin, 2/3 interest; Walter Austin Trust Estate, 1/3 interest.

Honolulu Plantation Co.—Lessee.

Land Situated at Waimalu, Ewa, Oahu, T. H.

Being Lot 4-B-4 of Land Court Application 950.

Beginning at a pipe at the West corner of this parcel of land, on the Northeast side of Oahu Railway and Land Company's 40-foot right-of-way the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 2418.30 feet South and 8005.80 feet East, and running by azimuths measured clockwise from true South:

1.  $210^{\circ} 25'$ —235.30 feet along R. P. 7268, L. C. Aw. 3834 and 7244, Part 1 to Puhi and Grant 130 to S. P. Hanchett to a pipe;

2.  $198^{\circ} 16'$ —650.30 feet along Lot 4-C-2 of Land Court Application 950 to a pipe;
3.  $263^{\circ} 10'$ —35.54 feet along Grant 130 to S. P. Hanchett to a pipe;
4.  $295^{\circ} 57' 30''$ —171.13 feet along the Southwest side of Kamehameha Highway to a pipe;
5.  $24^{\circ} 00'$ —431.86 feet along R. P. 327, L. C. Aw. 5586 to Kahiki (Parcel 1-A);
6.  $302^{\circ} 00'$ —75.20 feet along R. P. 327, L. C. Aw. 5586 to Kahiki (Parcel 1-A); [577]
7.  $203^{\circ} 30'$ —444.93 feet along R. P. 327, L. C. Aw. 5586 to Kahiki (Parcel 1-A);
8.  $295^{\circ} 57' 30''$ —830.50 feet along the Southwest side of Kamehameha Highway;
9.  $50^{\circ} 00'$ —79.59 feet along R. P. 329, L. C. Aw. 9407, Apana 2 to Kuaalu (Parcel 1-B);
10.  $339^{\circ} 00'$ —62.00 feet along R. P. 329, L. C. Aw. 9407, Apana 2 to Kuaalu (Parcel 1-B);
11.  $220^{\circ} 30'$ —118.81 feet along R. P. 329, L. C. Aw. 9407, Apana 2 to Kuaalu (Parcel 1-B);
12.  $295^{\circ} 57' 30''$ —18.51 feet along the Southwest side of Kamehameha Highway;
13.  $25^{\circ} 57' 30''$ —10.00 feet along the Southwest side of Kamehameha Highway to a pipe;
14.  $295^{\circ} 57' 30''$ —69.15 feet along the Southwest side of Kamehameha Highway to the Westerly bank of the Waimalu Stream passing over a pipe at 67.15 feet.

Thence following down along the Westerly bank of the Waimalu Stream for the next two (2) courses, the direct azimuths and distances



between points on the bank of said stream being:

15.  $37^{\circ} 40'$ —516.63 feet;
16.  $5^{\circ} 00'$ —101.10 feet; thence
17.  $86^{\circ} 09'$ —224.55 feet along the North side of Oahu Railway and Land Company's 40-foot right-of-way.

Thence along the Northeast side of Oahu Railway and Land Company's 40-foot right-of-way, on a curve to the right, with a radius of 1453.48 feet, the chord azimuth and distance being:

18.  $104^{\circ} 33' 50''$ —918.25 feet to the point of beginning and containing an area of 20.510 acres, and as delineated on 14th Naval District Drawing No. OA-N1-808. [578]

### PARCEL 2-B

Owners: Edith Austin,  $\frac{2}{3}$  interest; Walter Austin Trust Estate,  $\frac{1}{3}$  interest.

Honolulu Plantation Co., Lessee.

Land Situated at Waimalu, Ewa, Oahu, T. H.

Being Lot 5 of Land Court Application 950.

Beginning at the Northwest corner of this parcel of land, on the South side of Oahu Railway and Land Company's 40-foot right-of-way, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 2684.32 feet South and 8968.39 feet East, and running by azimuths measured clockwise from true South:

1.  $266^{\circ} 09'$ —155.00 feet along the South side of

Oahu Railway and Land Company's 40-foot right-of-way to the Westerly bank of the Waimalu Stream.

Thence following down along the Westerly bank of the Waimalu Stream for the next two (2) courses, the direct azimuths and distances between points on bank of said stream being:

2.  $351^{\circ} 20'$ —210.00 feet;
3.  $336^{\circ} 25'$ —546.00 feet.

Thence following along highwater mark of Pearl Harbor for the next two (2) courses, the direct azimuths and distances between points at said highwater mark being:

4.  $134^{\circ} 50'$ —447.00 feet; [579]
5.  $119^{\circ} 04' 30''$ —74.05 feet; thence
6.  $176^{\circ} 12'$ —347.20 feet along a portion of L. C. Aw. 11216, Apana 9 to M. Kekauonohi (Parcel 3-A) to the point of beginning and containing and area of 2.155 acres, and as delineated on 14th Naval District Drawing No. OA-N1-808.

Together with a full, free and perpetual easement or right of passage way, either on foot or with horses, cattle, carts, wagons and other vehicles however propelled, over the following described piece of land, said easement being delineated on the aforesaid drawing:

Beginning at the Southwest corner of this parcel of land, being also the initial point of Lot 5 of Land Court Application 950 (Parcel 2-B), as above described, and running by true azimuths:

1.  $176^{\circ} 09'$ —40.00 feet;
2.  $266^{\circ} 09'$ —20.00 feet;

3.  $356^{\circ} 09'$ —40.00 feet;
4.  $86^{\circ} 09'$ —20.00 feet to the point of beginning and containing an area of 800 square feet.

### PARCEL 3-A

Oahu Railway and Land Co., Owner.

Land Situated at Waimalu, Ewa, Oahu, T. H.

Being a Portion of L. C. Aw. 11216, Apana 9 to M. Kekauonohi.

Beginning at the Northwest corner of this parcel of land, on the South side of Oahu Railway and Land Company's 40-foot right-of-way, [580] the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 2684.32 feet South and 8968.39 feet East, and running by azimuths measured clockwise from true South:

1.  $356^{\circ} 12'$ —347.20 feet along Lot 5 of Land Court Application 950 (Parcel 2-B) to high-water mark of Pearl Harbor.

Thence following along highwater mark of Pearl Harbor for the next three (3) courses, the direct azimuths and distances between points at said highwater mark being:

2.  $123^{\circ} 23'$ —496.16 feet;
3.  $114^{\circ} 00'$ —463.00 feet;
4.  $150^{\circ} 30'$ —35.00 feet.

Thence along the South side of Oahu Railway and Land Company's 40-foot right-of-way, on

- a curve to the left, with a radius of 1493.48 feet, the chord azimuth and distance being:
5.  $281^{\circ} 11' 17''$ —775.00 feet;
  6.  $266^{\circ} 09'$ —71.32 feet along the South side of Oahu Railway and Land Company's 40-foot right-of-way to the point of beginning and containing an area of 2.333 acres, and as delineated on 14th Naval District Drawing No. OAN1-808.

### PARCEL 3-B

Oahu Railway and Land Co., Owner.

Land Situated at Waimalu, Ewa, Oahu, T. H.

Being a Portion of L. C. Aw. 11216, Apana 9 to M. Kekauonohi. [581]

Beginning at a pipe at the Northwest corner of this parcel of land, being also the West corner of Lot 4-B-4 of Land Court Application 950, the coordinates of which referred to Government Survey Triangulation Station "Ewa Church" being 2418.30 feet South and 8005.80 feet East, and running by azimuths measured clockwise from true South:

Along Lot 4-B-4 of Land Court Application 950 (Parcel 2-A), on a curve to the left, with a radius of 1453.48 feet, the chord azimuth and distance being:

1.  $284^{\circ} 33' 50''$ —918.25 feet;
2.  $266^{\circ} 09'$ —224.55 feet along Lot 4-B-4 of Land Court Application 950 (Parcel 2-A);

3.  $353^{\circ} 37'$ —40.04 feet across Oahu Railway and Land Company's 40-foot right-of-way;
4.  $86^{\circ} 09'$ —226.32 feet along Lot 5 of Land Court Application 950 (Parcel 2-B) and remainder of L. C. Aw. 11216, Apana 9 to M. Kekauonohi (Parcel 3-A).

Thence along remainder of L. C. Aw. 11216, Apana 9 to M. Kekauonohi (Parcel 3-A) and highwater mark of Pearl Harbor, on a curve to the right, with a radius of 1493.48 feet, the chord azimuth and distance being:

5.  $104^{\circ} 31' 46''$ —941.81 feet;
6.  $216^{\circ} 25'$ —40.04 feet across Oahu Railway and Land Company's 40-foot right-of-way to the point of beginning and containing an area of 1.080 acres, and as delineated on 14th Naval District Drawing No. OA-N1-808.

Subject to an easement with a full, free and perpetual [582] easement or right of passage way, either on foot or with horses, cattle, carts, wagons and other vehicles however propelled, over the following described piece of land, said easement being delineated on aforesaid drawing:

Beginning at the Southwest corner of this piece of land, being also the initial point of Lot 5 of Land Court Application 950 (Parcel 2-B), as above described, and running by true azimuths:

1.  $176^{\circ} 09'$ —40.00 feet;
2.  $266^{\circ} 09'$ —20.00 feet;



3. 356° 09'—40.00 feet;
4. 86° 09'—20.00 feet to the point of beginning and containing an area of 800 square feet.

Honolulu, T. H., December 31, 1943.

/s/ R. M. TOWILL,

Registered Professional Surveyor Certificate Number 151.

[Endorsed]: Filed Oct. 20, 1944.

[583]

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[Title of District Court and Cause No. 536.]

MOTION FOR ORDER AMENDING  
PETITION IN CONDEMNATION

Now comes the Petitioner, United States of America, by its attorneys, Charles F. Rathbun and Robert S. Tarnay, Special Assistants to the Attorney General, and moves that an order be entered amending the Petition in Condemnation by striking from Paragraph III the following language:

“ . . . fee simple title to Parcel 3-B, reserving, however, to the Oahu Railway and Land Company an easement for railroad purposes for so long as such use is continued. . . . ”

and inserting in lieu thereof the following:

“ . . . fee simple title, subject to an easement in Parcel 3-B in favor of the Oahu Railway and Land Company for railroad purposes, only for so long as it is used for such purposes. ”

Petitioner states that it is necessary to amend

its Petition in Condemnation in order to describe the estate taken in conformity with the language contained in the letter of the Secretary of the Navy, on file in this cause.

Dated: Honolulu, T. H., this 27th day of February, 1945.

UNITED STATES OF  
AMERICA,

By /s/ CHARLES F. RATHBUN,  
Special Assistant to the  
Attorney General,

By /s/ ROBERT S. TARNAY,  
Special Assistant to the  
Attorney General.

[Endorsed]: Filed Feb. 27, 1945. [585]

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[Title of District Court and Cause No. 536.]

ORDER AMENDING PETITION IN  
CONDEMNATION

Now this 28th day of February, 1945, upon motion by the petitioner, United States of America, by its attorneys, Charles F. Rathbun and Robert S. Tarnay, and the defendant, Oahu Railway and Land Company, appearing by its counsel, Anderson, Wrenn & Jenks, and it further appearing that it is necessary to conform the description of the estate being taken in this matter to the description of said estate contained in the letter of the Secretary of the Navy on file in this cause,

It is ordered that the petition be amended by striking from Paragraph III thereof the following:

“ . . . fee simple title to Parcel 3-B, reserving, however, to the Oahu Railway and Land Company an easement for railroad purposes for so long as such use is continued. . . .”

and inserting in lieu thereof the following language:

“ . . . fee simple title, subject to an easement in Parcel 3-B in favor of the Oahu Railway and Land Company for railroad purposes, only for so long as it is used for such purpose. . . .”

Dated: Honolulu, T. H., this 28th day of February, 1945.

/s/ J. FRANK McLAUGHLIN,  
Judge of the United States District Court for the  
District of Hawaii.

[Endorsed]: Filed Feb. 28, 1945. [586]

[Title of District Court and Cause No. 536.]

## DECLARATION OF TAKING

Whereas, pursuant to the Acts of Congress approved March 27, 1942 (Public Law 507, 77th Congress), and April 28, 1942 (Public Law 528, 77th Congress), the above styled condemnation proceeding has been instituted.

Now, therefore, pursuant to the provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421), I, Secretary of the Navy, do hereby make and cause to be filed this declaration of taking, and by virtue of authority thereof do hereby state that the lands selected for acquisition aggregate 26.922 acres, more or less, situate at Waiawa, Waimalu, Ewa, Oahu, Territory of Hawaii, more particularly described in Exhibit "A" attached hereto and made a part hereof. The lands [587] are delineated on a map entitled "Boundary Map, Waiau Drum Storage, Waimalu, Ewa, Oahu, T. H., designated as 14th N. D. Dwg. OA-N1-808, attached hereto as Exhibit "B" and made a part hereof.

And I do declare said lands to be taken under the authority of the aforesaid Acts of Congress; that the use to which said lands are to be put is for an empty drum storage area in connection with the Naval Supply Depot, Pearl Harbor, and other Naval purposes, as authorized by said Acts; and that the estate hereby taken in said lands for the public use aforesaid is fee simple, subject to an easement in Parcel 3-B in favor of the Oahu Rail-

way and Land Company for railroad purposes, only for so long as it is used for such purpose.

And I, Secretary of the Navy, do hereby state that the sum of money estimated by me to be just compensation for said lands and all improvements thereon and appurtenances thereunto belonging, is Five Thousand Three Hundred and Ninety-one Dollars (\$5,391.00), which sum is hereby deposited into the registry of the court for the use and benefit of the persons entitled thereto, and that the names of the owners of said property and improvements thereon which are hereby taken are shown on Schedule "A" which is attached hereto and made a part of this declaration of taking.

I am of the opinion that the ultimate award for the taking of said lands will be within the limits prescribed by Congress.

In witness whereof, the petitioner, by and through the [588] Secretary of the Navy, has caused this declaration of taking to be signed in the City of Washington, District of Columbia, this 26th day of July, 1945.

UNITED STATES OF  
AMERICA,

By /s/ A. L. GATES,  
Acting. [589]

SCHEDULE "A"

The names of the persons having title to or other interest in the lands described in the within declaration of taking, and the amounts estimated to



be fair compensation for each respective ownership, including all improvements thereon, are as follows:

Parcel	Name of Owner	Aeres	Estimated Just Compensation
1-A	Francis H. I. Brown	0.734)	\$ 250.00
1-B	Francis H. I. Brown	0.110)	
2-A	Edith Austin & W. Austin Est.	20.510	5,130.00
2-B	Edith Austin & W. Austin Est.	2.155	5.00
3-A	Oahu Railway & Land Co.	2.333	5.00
3-B	Oahu Railway & Land Co.	1.080	1.00
Totals		26.922	\$5,391.00

[Printer's Note: Exhibit "A" is the same as Exhibit "A" set out at pages 301-310 of this printed Record.

[Endorsed]: Filed Aug. 20, 1945. [590]

[Title of District Court and Cause No. 536.]

### MOTION FOR ORDER AMENDING PETITION IN CONDEMNATION

Now comes the Petitioner, United States of America, by its Attorney, Charles F. Rathbun, Special Assistant to the Attorney General, and moves that an order be entered amending the Petition in Condemnation by striking Paragraph III of said Petition in its entirety and substituting therefore a new Paragraph III as follows:

"That the estate sought to be condemned in said lands in this action is in fee simple, subject to an easement in Parcel 3-B in favor of

the Oahu Railway and Land Company for railroad purposes, only for so long as it is used for such purposes.”

Petitioner states that it is necessary that the petition herein be amended to more accurately define the estate being taken.

Dated: Honolulu, T. H. this 20th day of August, 1945.

UNITED STATES OF  
AMERICA,

By /s/ CHARLES F. RATHBUN,  
Special Assistant to the  
Attorney General.

[Endorsed]: Filed Aug. 20, 1945. [602]

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[Title of District Court and Cause No. 536]

ORDER AMENDING PETITION IN  
CONDEMNATION

Now this 20th day of August, 1945, upon motion by the Petitioner, United States of America, by its attorney, Charles F. Rathbun, Special Assistant to the Attorney General, it appearing that it is necessary to more accurately define the estate being taken herein by amending the Petition in the above cause,

It is ordered:

That the Petition in Condemnation herein be amended by striking therefrom Paragraph III in its entirety and substituting therefore a new Paragraph III as follows:

“That the estate sought to be condemned in said lands in this action is in fee simple, subject to an easement in Parcel 3-B in favor of the Oahu Railway and Land Company for railroad purposes, only for so long as it is used for such purpose.”

Dated: Honolulu, T. H., this 20th day of August, 1945.

/s/ D. E. METZGER,  
Judge of the United States District Court for the  
District of Hawaii.

[Endorsed]: Filed Aug. 20, 1945. [603]

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In the District Court of the United States  
for the District of Hawaii

April Term 1945

Civil No. 536

UNITED STATES OF AMERICA,

Petitioner,

vs.

26.922 ACRES OF LAND, more or less, situate at  
Waiwa, Waimalu, Ewa, Island of Oahu, Terri-  
tory of Hawaii; Francis H. I. Brown, et al..

Defendants.

ORDER AND JUDGMENT ON DECLARATION  
OF TAKING

It appearing that on October 20, 1944, the United States of America, filed a Petition in Condemnation of certain land described and shown on Ex-

hibits "A" and "B" attached to the Petition in Condemnation herein and on Exhibits "A" and "B" attached to the Declaration of Taking this day filed herein; and,

It further appearing that said Declaration of Taking having been filed on this 20th day of August, 1945, and being signed by A. L. Gates, Acting Secretary of the Navy, and said Declaration of Taking was filed under and pursuant to provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421), and declaring taken the full fee simple title to the lands described and shown on Exhibits "A" and "B" attached to the Petition in Condemnation herein, and upon Exhibits "A" and "B" attached to the Declaration of Taking herein to the extent shown in said Declaration of Taking; that the uses of said lands are [604] those described in the Declaration of Taking and in the Petition filed herein; and that the said Declaration of Taking sets forth the estimate of just compensation made pursuant to law and that contemporaneously with the filing of said Declaration of Taking, there was deposited in the Registry of this Court for the use and benefit of the persons entitled thereto the sum of Five Thousand Three Hundred and Ninety-one Dollars (\$5,391.00),

It is ordered, adjudged and decreed that by virtue of the filing of said Declaration of Taking and the deposit of said money, full fee simple title to the land described and shown on Exhibits "A" and "B" attached to the Petition herein and Exhibits "A" and "B" attached to the Declaration of Tak-

ing herein, be and it is hereby indefeasibly vested in the United States of America, subject to the rights recited in said Declaration of Taking in favor of the Oahu Railway and Land Company, an Hawaiian Corporation.

It is further ordered that a copy of this Order be promptly served by the United States Marshal upon each of the defendants in this cause. The Marshal is further ordered to post a copy hereof in a conspicuous place on the premises and to forthwith make due return of his said service to this Court.

Dated: Honolulu, T. H., this 20th day of August, 1945.

(Seal)            /s/ D. E. METZGER,  
Judge of the United States District Court for the  
District of Hawaii.

[Endorsed]: Filed Aug. 20, 1945. [605]

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[Title of District Court and Cause No. 536.]

ANSWER OF HONOLULU PLANTATION  
COMPANY

One of the Defendants Above Named

Comes now Honolulu Plantation Company, a corporation, organized under the laws of the State of California, and doing business in the Territory of Hawaii, one of the defendants in the above entitled cause, and for answer to the petition filed herein says:



## I.

That is has neither knowledge or information sufficient to form a belief as to the allegations set forth and contained in Paragraphs I, III, IV, V, VI and VII of said petition, and therefore it neither admits nor denies the same but leaves the petitioner to its proof thereof.

## II.

That it admits the allegations contained in Paragraph II of said petition.

## III.

That with respect to the allegations of said petition that it claims an interest in the property described in said petition [607] this defendant admits the same and alleges that at the time of the filing of said petition and until judgment or order was entered on declaration of taking filed in said causes it was the owner of an interest in the lands and in some of the improvements thereon and also admits that its lessor has an interest in the lands described in said petition which are under lease to this defendant; that the lease creating such interest and estate will be submitted to the Court on the trial of said causes.

And this defendant further alleges as follows:

That for and during a period of over forty years this defendant has been continuously operating and conducting and is now operating and conducting a sugar mill and plantation at Aiea in the District of Ewa, Island of Oahu, T. H., and has been at all times during said period and now is engaged in the business of growing sugar cane and manufacturing sugar therefrom;

That most of the acreage of land taken, by reason of the fertility of the soil thereon, their low elevation, and the comparatively small expense with which they can be irrigated, is peculiarly adapted to the cultivation and growth of sugar cane, and that this defendant was at the time of the filing of the petition in this cause and until the date fixed for the surrendering of possession by the judgment or order on the Declaration of Taking entered in this cause and for many years prior thereto had been profitably using said lands for the cultivation and growth of sugar cane;

That the lands included within the area sought to be condemned which are held by this defendant under lease as aforesaid have a special and enhanced value by reason of the establishment by this defendant of a sugar mill and works, in close proximity to said lands, for the manufacture of sugar from cane grown and cultivated thereon and on other lands owned and/or leased by this defendant and [608] by reason of the development by this defendant of a water supply for the irrigation of said lands, and other lands as aforesaid by means of artesian wells, pumping machinery and otherwise;

That for the purpose of cultivating the sand lands, this defendant has constructed improvements thereon;

That the parcel of land sought to be condemned by said petition in which this defendant has leasehold interest was at the time of the filing of the said petition in this cause and until judgment or

order was entered on Declaration of taking filed in this cause, and for many years prior thereto had been, occupied and cultivated by this defendant as integral parts of the sugar plantation operated and conducted by it at Aiea aforesaid and in connection with other large and contiguous tracts situated outside of the lands described in said petition but comprised within the said plantation and demised to this defendant by a number of leases and that by the taking of said lands described in the said petitions the integrity of said sugar plantation will be destroyed and the unitary value of the leasehold interests and estates of this defendant in such other and contiguous tracts of land will be greatly impaired and diminished.

Wherefore this defendant prays (1) that the damages suffered by this defendant by reason of the taking of the lands and properties described in said petitions may be determined and the amount thereof be awarded to and paid to this defendant, and (2) for such other and general relief as may be meet and proper in the premises.

Dated: Honolulu, T. H., June 18, 1946.

HONOLULU PLANTATION  
COMPANY,

By VITOUSEK, PRATT & WINN,  
Its Attorneys,  
Defendant above named.

[Endorsed]: Filed June 18, 1946. [609]

In the District Court of the United States  
for the District of Hawaii

October Term 1944

Civil No. 540

UNITED STATES OF AMERICA,

Petitioner,

vs.

124,914 acres of land, more or less, situate at Haiku Valley, Heeia, Koolaupoko, Oahu, Territory of Hawaii, HAROLD K. L. CASTLE, GEORGE M. COLLINS, JOHN K. CLARKE, FRANK E. MIDKIFF, EDWIN P. MURRAY and JOSEPH B. POINDEXTER, Trustees under the Will and of the Estate of Bernice P. Bishop; MARY WONG YUEN CHONG; JOHN WATERHOUSE, ERNEST HAY WODEHOUSE, WALTER F. FREAR and JOHN E. RUSSELL, Trustees under the Will and of the Estate of Samuel M. Damon; ALICE H. COOKE; HELEN S. DAVIS, ALAN S. DAVIS, GEORGE G. FULLER, WILHELMINA TENNEY; HYGIENIC DAIRY, LTD., a corporation, NILS P. LARSEN; BISHOP TRUST COMPANY, LTD., an Hawaiian corporation, HAWAIIAN ELECTRIC COMPANY, LTD., an Hawaiian corporation; MUTUAL TELEPHONE COMPANY, LTD., an Hawaiian corporation; J. PLATT COOK; THE ROMAN CATHOLIC CHURCH in the Territory of Hawaii, an Hawaiian corporation; HONOLULU PLANTATION COMPANY, a corporation; KELEKIA R. KAAE; W. T. LEE KWAI; MRS. POLLY K. HENRY; MRS. J. K. JONES; HEE KWONG; AU SIU HIN; JOHN PUNUA; CHANG WONG; THERESA R. KAAE; ROSE WONG ESTATE; CATHERINE E. STEWARD; MRS. KAMEHAIKU LONO; MARY K. McCABE; S. SCOTT; MRS. JUSTINA JOHNSTON; MARY S. MAII; ELSIE LAM AYAU; KIKIA AHUNA; HAWAIIAN SAVINGS AND LOAN ASSOCIATION; LOUISE K. JONES; EVELYN L. GOUVEIA; SAMUEL LONO; MALIA McCABE; LEONARD KEA; MRS. ELIZABETH SILVA; CHRISTOPHER STEWARD; DAVID STEWARD; JAMES P. STEWARD; AN-



GELINA A. PAHIA; WILLIAM SYLVA and WIFE: MAEHA ANTONE; WALTER R. COOMBS; FRANCIS LEW; CHARLES B. DWIGHT; HEEIA COMPANY, LTD., a corporation; CITY AND COUNTY OF HONOLULU, TERRITORY OF HAWAII, and all other persons, companies or corporations, either known or unknown, who claim to have or own any right, title or interest of any character in said land,

Defendants.

## PETITION FOR CONDEMNATION

To the Honorable, the Presiding Judges of the United States District Court for the District of Hawaii:

Now comes the United States of America, by Robert S. Tarnay, Special Assistant to the Attorney General, acting under the instructions of the Attorney General of the United States and at the request of the Secretary of Navy and respectfully represents to the Court.

### I.

That this proceeding is instituted under the authority of divers and sundry Acts of Congress, among them the following:

The Act of Congress approved March 27, 1942 (Public Law 507—77th Congress)

The Act of Congress approved April 28, 1942 (Public Law 528—77th Congress)

and that the Secretary of Navy, acting under authority vested in him by law has determined that it is necessary that the United States of America acquire by condemnation, by judicial process, certain lands more particularly described on Exhibit "A" hereto annexed and made a part hereof as though



set forth at length and shown upon a map marked Exhibit "B", also attached hereto.

## II.

That the lands sought to be condemned are located at Haiku Valley, Heeia, Keelaupeke, Oahu, Territory of Hawaii, and lie wholly within the jurisdiction of this Court.

## III.

That the estate sought to be condemned in this action is the fee simple title, together with all improvements thereon and appurtenances thereunto belonging, subject to the following easements and rights:

(a) An easement over Parcel 6 and Parcel 7 in favor of the City and County of Honolulu for water pipe lines, together with the right of ingress and egress thereto, for the purpose of maintaining, operating and repairing said water lines. [511]

(b) The right of ingress and egress to the City and County of Honolulu over and across Parcel 6 and Parcel 7, giving access to Parcel 1-F for the purpose of maintaining, operating and repairing the water pipe lines and reading the meter located on said Parcel 1-F.

(c) The right of ingress and egress to the City and County of Honolulu over and across Parcel 6 and Parcel 7, giving access to Parcel 1-B for the purpose of repairing, maintaining, operating and inspecting the water tunnel located on said Parcel 1-B;

said easements and rights to be subject to such reasonable rules and regulations as the United

States of America shall promulgate through its duly authorized representatives for the security of the Naval Reservation for which the land involved in this action is being taken; said lands are to be used for a radio station.

#### IV.

That Harold K. L. Castle; George M. Collins, John K. Clarke, Frank E. Midkiff, Edwin P. Murray and Joseph B. Poindexter, Trustees under the Will and of the Estate of Bernice P. Bishop; Mary Wong Yuen Cheng, John Waterhouse, Ernest Hay Wodehouse, Walter F. Frear and John E. Russell, Trustees under the Will and of the Estate of Samuel M. Damon; Alice H. Cooke, Helen S. Davis; Alan S. Davis, George G. Fuller; Wilhelmina Tenney, Hygienic Dairy, Ltd., a corporation; Nils P. Larsen; Bishop Trust Company, Ltd., an Hawaiian corporation; Hawaiian Electric Company, Ltd., an Hawaiian corporation; Mutual Telephone Company, Ltd., an Hawaiian corporation; J. Platt Cook; The Roman Catholic Church in the Territory of Hawaii, an Hawaiian corporation; Honolulu Plantation Company, a corporation; Kelekia R. Kaae; W. T. Lee Kwai; Mrs. Polly K. Henry; Mrs. J. K. Jones; Hee Kwong; Au Siu Hin; John Punua; Chang Wong; Theresa R. Kaae; Rose Wong Estate; Catherine E. Steward; Mrs. Kamehaiku Lono; Mary K. McCabe; S. Scott; Mrs. Justina Johnston; Mary S. Maii; Elsie Lam Ayau; Kikia Ahuna; Hawaiian Savings and [612] Loan Association; Louise K. Jones; Evelyn L. Gouveia; Samuel Lono; Malia

McCabe; Leonard Kea; Mrs. Elizabeth Silva, Christopher Steward; David Steward; James P. Steward, Angelina A. Pahia; William Sylva and wife; Maeha Antone; Walter R. Coombs; Francis Lew; Charles B. Dwight; Heeia Company, Ltd., a corporation; City and County of Honolulu; Territory of Hawaii; and all other persons, companies or corporations, either known or unknown, who claim to have or own any right, title or interest of any character whatever in said land, are made defendants herein.

V.

That the Secretary of Navy of the United States has determined that the utmost haste in expediting this project is vital to the War purposes of the United States and that he has, therefore, determined that possession of said lands, to the extent of the interest to be acquired therein, is necessary by the United States and that certain and adequate provisions have been made for the payment of just compensation which may be adjudged due for the condemnation of the lands described and shown on Exhibits "A" and "B".

That the petitioner was in possession of Parcel 6 from and since July 1, 1942 under lease, extensions of which expired June 30, 1944 and petitioner has remained in possession of said parcel from said latter date.

That the petitioner was in possession of Parcels 7, 8 and 9 from and since April 1, 1943 under lease, extensions of which expired June 30, 1944

and petitioner has remained in possession of said parcels from said latter date.

That the petitioner was in possession of Parcels 10, 13 and 14 from and since July 1, 1942, pursuant to right of right of entry.

Wherefore, your Petitioner prays this Honorable Court to take jurisdiction of this cause and enter all orders, judgments [613] and decrees necessary to determine title of said real estate condemned, or any part thereof, and to fix and determine that the continued possession of the lands identified in Paragraph V is necessary for the War and Naval purposes of the United States; that upon payment into the registry of this Court for the use of the persons entitled thereunto of the sum adjudged to be full compensation for the condemnation of said land, that title to said land be vested in the United States of America, in fee simple, subject to the exceptions set forth in Paragraph III, and that the Court make distribution of the final awards among the persons entiled thereto as expeditiously as may be and for such other and further relief as to the Court may seem just and proper in the premises.

UNITED STATES  
OF AMERICA,

By CHARLES F. RATHBUN,  
Special Asst. to the Atty. Gen.

By /s/ ROBERT S. TARNAY,  
Special Asst. to the Atty. Gen.



EXHIBIT A

(Haiku Radio Station)

Land Situated in the Districts of Koolaupoko, Ewa,  
and Honolulu, Oahu, T. H.

Descriptions of

Parcel	Owner	Situated at	Area, Acs.
6	Harold K. L. Castle	Haiku Valley, Heeia	3.352
7	Trustees of B. P. Bishop Estate	Haiku Valley, Heeia	110.112
8	Harold K. L. Castle	Haiku Valley, Heeia	1.950
9	Mary Wong Yuen Chong	Haiku Valley, Heeia	1.800
10	Trustees of B. P. Bishop Estate	Halawa, Ewa	1.400
13	Harold K. L. Castle	Luluku, Kaneohe	5.300
14	Trustees of Samuel M. Damon Estate	Moanalua, Honolulu	1.000

PARCEL 6

Land Situated on the South Side of Haiku Stream About 10,000 Feet in a Southwesterly Direction From the Junction of Kamehameha Highway and Haiku Road.

Being the Whole of Lot E of Land Court Application 1342.

Beginning at an 1¼ inch pipe in a concrete monument at the Southeast corner of this parcel of land, the true azimuth and distance to an 1 inch pipe in concrete marked "c" being 279° 00' 50.00 feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station "Heeia" being 13,968.09 feet South and 1872.45 feet West, and thence running by azimuths measured clockwise from true South:



1.  $86^{\circ} 30'$ —270.60 feet along Lots Q-2 and Q-3 of Land Court Application 1100 to an  $1\frac{1}{4}$  inch pipe in concrete monument and from the end of said course, the true azimuth and distance to an  $1\frac{1}{4}$  inch pipe in concrete marked "F.R." marking the Forest Reserve Line being  $300^{\circ} 25' 28.77$  feet;
2.  $130^{\circ} 30'$ —233.70 feet along Lot Q-3 of Land Court Application 1100 to an  $1\frac{1}{4}$  inch pipe;
3.  $167^{\circ} 30'$ —132.99 feet along L. C. Aw. 5969, Apana 2 to Moalea to South edge of Haiku Stream and passing over an  $1\frac{1}{4}$  inch pipe at 107.39 feet. Thence along South edge of Haiku Stream along Lots Q-3 [616] and Q-2 of Land Court Application 1100 for the next two (2) courses, the direct azimuths and distances between points on edge of said stream being;
4.  $250^{\circ} 00'$ —200.00 feet;
5.  $290^{\circ} 57' 30''$ —446.75 feet to an 1 inch pipe;
6.  $36^{\circ} 30'$ —216.10 feet along Lot Q-2 of Land Court Application 1100 to the point of beginning and passing over an 1 inch pipe at 25.40 feet, and containing an area of 3.352 acres, and as delineated on 14th Naval District Drawing No. OA-N1-773.

Together with rights-of-way to and from Haiku Road leading out to Kamehameha Highway over Easements 21 and 16 as shown and designated on maps accompanying Land Court Application 1100.

Subject to an easement for pipeline and road in favor of the Suburban Water System of the City, and County of Honolulu. [617]

## PARCEL 7

Land Situated in Haiku Valley, Heeia, Koolau-poko, Oahu, T. H.

Being a Portion of Lot Q-2 of Land Court Application 1100.

Beginning at the South corner of this parcel of land, being also the South corner of Lot Q-2 and on the boundary of Lot Q-3 of Land Court Application 1100, the coordinates of which referred to Government Survey Triangulation Station "Heeia" being 15,468.96 feet South and 1,260.00 feet West, and running by azimuths measured clockwise from true South:

1.  $149^{\circ} 44'$ —1701.76 feet along Lot Q-3 of Land Court Application 1100;
2.  $179^{\circ} 52'$ —16.08 feet along Lot Q-3 of Land Court Application 1100;
3.  $266^{\circ} 30'$ —245.78 feet along Lot E of Land Court Application 1342;
4.  $216^{\circ} 30'$ —216.10 feet along Lot E of Land Court Application 1342. Thence along the South edge of Haiku Stream along Lot E of Land Court Application 1342, the direct azimuth and distance between points on edge of said stream being;
5.  $112^{\circ} 13' 30''$ —404.73 feet; [618]
6.  $179^{\circ} 52'$ —937.00 feet along Lot Q-3 of Land Court Application 1100;
7.  $279^{\circ} 25'$ —486.00 feet along Lot Q-3 of Land Court Application 1100;

8.  $248^{\circ} 42'$ —391.10 feet along Lot Q-3 of Land Court Application 1100;
9.  $239^{\circ} 30'$ —157.00 feet along Lot Q-3 of Land Court Application 1100;
10.  $173^{\circ} 26'$ —114.00 feet along Lot Q-3 of Land Court Application 1100;
11.  $288^{\circ} 29'$ —772.00 feet along remainder of Lot Q-2 of Land Court Application 1100;
12.  $323^{\circ} 02' 45''$ —1765.62 feet along remainder of Lot Q-2 of Land Court Application 1100;
13.  $56^{\circ} 03'$ —66.50 feet along Lot Q-3 of Land Court Application 1100;
14.  $54^{\circ} 15'$ —2271.86 feet along Lot Q-3 of Land Court Application 1100 to the point of beginning and containing a gross area of 113.862 acres and a net area of 110.112 acres, after deducting therefrom Parcels 8 and 9 hereinafter described, and as delineated on 14th Naval District Drawing No. OA-N1-773.

Subject to rights-of-way over easements as shown and designated on maps of Land Court Application 1100. [619]

### PARCEL 8

Land Situated on the North Side of Haiku Stream About 8500 Feet in a Southwesterly Direction From the Junction of Kamehameha Highway and Haiku Road in Haiku Valley, Heeia, Loo-laupoko, Oahu, T. H.

Being Lot D of Land Court Application 1342.

Beginning at a pipe at the East corner of this

parcel of land and on the Northerly side of Haiku Stream, the true azimuth and distance to a pipe marking the initial point of Exclusion 49 in Land Court Application 1100 being  $311^{\circ} 01' 240.00$  feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station "Heeia" being 13,161.10 feet South and 441.48 feet West, and thence running by azimuths measured clockwise from true South:

Along the Northerly Side of Haiku Stream along Lot Q-2 of Land Court Application 1100 for the first two (2) courses, the direct azimuths and distances between points on the Northerly side of said stream being:

1.  $44^{\circ} 58'$ —473.70 feet;
2.  $107^{\circ} 30'$ —230.00 feet to a pipe;
3.  $231^{\circ} 33' 30''$ —436.80 feet along Lot Q-2 of Land Court Application 1100 to a pipe;
4.  $271^{\circ} 30'$ —212.10 feet along same to the point of beginning and containing an area of 1.950 acres, and as delineated on 14th Naval District Drawing No. OA-N1-773.

Together with rights-of-way to and from Haiku Road leading out to Kamehameha Highway over Easements 20 and 16, as shown and designated on maps accompanying Land Court Application 1100.

## PARCEL 9

Land Situated in Haiku Valley, Heeia, Koolau-poko, Oahu, T. H.

Being Royal Patent 1003, Land Commission Award 3393, Apana 1 to Puueokahi.

(This parcel of land is designated as Exclusion 49 within Lot Q in Land Court Application 1100, shown on Panel 50.)

Beginning at a pipe on the Southerly boundary of this parcel of land, the true azimuth and distance to a pipe in concrete on the North edge of Haiku Road being  $338^{\circ} 30' 100.00$  feet, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Heeia" being 13,318.61 feet South and 260.40 feet West, and thence running by azimuths measured clockwise from true South:

1.  $65^{\circ} 35'$ —444.10 feet along Lot Q-2 of Land Court Application 1100 to a pipe and passing over a pipe at 190.50 feet;
2.  $81^{\circ} 35'$ —69.30 feet along Lot Q-2 of Land Court Application 1100 to a pipe on the Southerly edge of Haiku Stream. Thence along the Southerly edge of Haiku Stream along Lot Q-2 of Land Court Application 1100 to a pipe, the direct azimuth and distance being:
3.  $228^{\circ} 01'$ —700.55 feet;
4.  $319^{\circ} 30'$ —59.20 feet along Lot Q-2 of Land Court Application 1100 to a pipe; [621]
5.  $20^{\circ} 35'$ —245.50 feet along Lot Q-2 of Land



Court Application 1100 to the point of beginning and passing over a pipe at 121.60 feet and containing an area of 1.800 acres, and as delineated on 14th Naval District Drawing No. OA-N1-773.

Together with rights-of-way to and from Haiku Road leading out to Kamehameha Highway over Easements 19 and 16, as shown and designated on maps accompanying Land Court Application 1100.

### PARCEL 10

Land Situated at Halawa, Ewa, Oahu, T. H.

Being a Portion of the Land of North Halawa, Royal Patent 6717, Land Commission Award 7712 and 8516-B to M. Kekuanaoa and Kamaikui.

Beginning at the Southeast corner of this parcel of land, on the boundary of Lot Q-3 of Land Court Application 1100, and on the boundary of the government land of Iolekaa, the coordinates of which referred to Government Survey Triangulation Station "Heeia" being 11,818.39 feet South and 4,683.55 feet West, and running by azimuths measured clockwise from true South:

Following up along the middle of Koolau Range along the land of Heeia, Lot Q-3 of Land Court Application 1100, the direct azimuth and distance between points on middle of said Koolau Range being:

1.  $55^{\circ} 00'$ —696.00 feet;
2.  $145^{\circ} 00'$ —84.22 feet along remainder of the land of Halawa;

3.  $235^{\circ} 00'$ —750.00 feet along remainder of the land of Halawa. Thence following along the middle of Koolau Range along the government land of Iolekaa, the direct azimuth and distance between points on middle of said Koolau Range being:
4.  $357^{\circ} 40'$ —100.05 feet to the point of beginning and containing an area of 1.4 acres, and as delineated on 14th Naval District Drawing No. OA-N1-773. [623]

#### PARCEL 13

Land Situated at Luluku, Kaneohe, Koolaupoko, Oahu, T. H.

Being a Portion of the Land of Luluku, Royal Patent 7984, Land Commission Award 4452, Apana 13 to H. Kalama.

Beginning at the Northwest corner of this parcel of land, on the boundary between the lands of Luluku, Moanalua and Heeia, the coordinates of which referred to Government Survey Triangulation Station "Heeia" being 17,898.75 feet South and 504.03 feet West, and running by azimuths measured clockwise from true South:

Following down along the middle of ridge between the lands of Luluku and Heeia, the direct azimuth and distance between points on middle of said ridge being:

1.  $228^{\circ} 08' 30''$ —957.20 feet. Thence following down along the middle of ridge between the

lands of Luluku and Keaahala, the direct azimuth and distance between points on middle of said ridge being:

2.  $258^{\circ} 00'$ —300.00 feet;
3.  $47^{\circ} 28'$ —1330.30 feet along remainder of the land of Luluku to the middle of ridge between the lands of Luluku and Moanalua. Thence following down along the middle of ridge between the lands of Luluku and Moanalua, the direct azimuth and distance between points on middle of said ridge being:
4.  $172^{\circ} 30'$ —199.93 feet to the point of beginning and containing an area of 5.3 acres, and as delineated on 14th Naval District Drawing No. OA-N1-773. [624]

#### PARCEL 14

Land Situated at Moanalua, Honolulu, Oahu,  
T. H.

Being a Portion of Lot R of Land Court Application 1074.

Beginning at the Northeast corner of this parcel of land, on the boundary between the lands of Moanalua, Heeia and Luluku, being also the Northeast corner of Lot R of Land Court Application 1074, and at the Southeast Corner of Lot Q-3 of Land Court Application 1100, the coordinates of which referred to Government Survey Triangulation Station "Heeia" being 17,898.75 feet South and 504.03 feet West, and running by azimuths measured clockwise from true South:

Following up along the middle of ridge between the lands of Luluku and Moanalua, the direct azimuth and distance between points, on middle of said ridge being:

1.  $352^{\circ} 30'$ —199.93 feet;
2.  $127^{\circ} 35'$ —515.84 feet along remainder of Lot R of Land Court Application 1074 to the middle of ridge between the lands of Moanalua and Heeia. Thence following along the middle of ridge between the lands of Moanalua and Heeia, the direct azimuth and distance between points on middle of said ridge being:
3.  $286^{\circ} 55'$ —400.00 feet to the point of beginning and containing an area of 1.0 acre, and as delineated on 14th Naval District Drawing No. OA-N1-773.

/s/ R. M. TOWILL,

Registered Professional Surveyor Certificate Number 151.

Honolulu, T. H., October 22, 1943.

[Endorsed]: Filed Oct. 30, 1944. [625]

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[Title of District Court and Cause No. 540.]

#### DECLARATION OF TAKING

Whereas, pursuant to the Acts of Congress approved March 27, 1942 (Public Law 507, 77th Congress), and April 28, 1942 (Public Law 528, 77th Congress), the above styled condemnation proceeding has been instituted.

Now, Therefore, pursuant to the provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421), I, Secretary of the Navy, do hereby make and cause to be filed this declaration of taking, and by virtue of authority thereof do hereby state that the lands selected for acquisition aggregate 124.914 acres, more or less, in Haiku Valley, Heeia, [627] Koolaupoko, Oahu, Territory of Hawaii, more particularly described in Exhibit "A" attached hereto and made a part hereof, and delineated as Parcels 6, 7, 8, 9, 10, 13 and 14 on a map entitled "Boundary Survey of Haiku Radio Station," designated as 14th N.D. Dwg. No. OA-N1-773, revised May 2, 1945, attached hereto as Exhibit "B" and made a part hereof.

And I do declare said lands to be taken under the authority of the aforesaid Acts of Congress; that the use to which said lands are to be put is for a radio station, and for other Naval purposes, as authorized by said Acts.

And I do further declare that the estate hereby taken in said lands for the public use aforesaid is title in fee simple, subject to all existing rights of the City and County of Honolulu in and to the rights of way described in Exhibit "A" and delineated on Exhibit "B" at Easements "A," "B," and "C" for the purpose of a road, and for the purpose of constructing, operating, maintaining, inspecting, repairing and removing water pipe lines under and across the same.

And I, Secretary of the Navy, do hereby state that the sum of money estimated by me to be just



compensation for said lands and all improvements thereon and appurtenances thereunto belonging, is ten thousand two hundred fifty-three dollars (\$10,253.00), which sum is hereby deposited into the registry of the court for the use and benefit of the persons entitled thereto, and that the amounts of just compensation for said lands and improvements thereon, which are hereby taken, are shown on Schedule "A" attached hereto and made a part hereof.

I am of the opinion that the ultimate award for the taking of said lands will be within the limits prescribed by [628] Congress.

In Witness Whereof, the petitioner, by and through the Secretary of the Navy, has caused this declaration of taking to be signed on the 6th day of September, 1945, in the City of Washington. District of Columbia.

UNITED STATES OF  
AMERICA,

By /s/ JAMES FORRESTAL.

SCHEDULE "A"

The names of the persons having title to or other interest in the lands described in the within declaration of taking, and the amounts estimated to be fair compensation for each respective ownership, including all improvements thereon, are as follows:

Name of Owner	Parcel	Acres	Estimated Just Compensation
Harold K. L. Castle	6	3.352	\$ 150.00
Trustees of B. P. Bishop Est.	7	110.112	9,500.00
Harold K. L. Castle	8	1.950	100.00
Mary Wong Yuen Chong	9	1.800	500.00
Trustees of B. P. Bishop Est.	10	1.400	1.00
Harold K. L. Castle	13	5.300	1.00
Trustees of Samuel M. Damon Estate	14	1.000	1.00
Total		124.914	\$10,253 00

[Printer's Note]: Exhibit "A" is the same as Exhibit "A" set out on pages 329-338 with exception of last paragraph of Parcel 7 which reads as follows: "Subject to rights-of-way over easements as shown and designated on maps of Land Court Application 1100 and also subject to Easements B and C as delineated on 14th Naval Dist. Drawing OA-N1-773."

EASEMENT "A"

Description of Easement for Main Water Supply Line and Roadway Land Situated in Haiku Valley, Heeia, Koolaupoko, Oahu, T. H.

Being a Portion of Lot E of Land Court Application 1342.

Beginning at the Southwest corner of this easement, being also the Southwest corner of Lot E of Land Court Application 1342, the coordinates of which referred to Government Survey Triangu-

lation Station "Heeia" being 13,984.61 feet South and 2,142.54 feet West, and running by azimuths measured clockwise from true South:

1.  $130^{\circ} 30'$ —27.93 feet along the boundary of Lot Q-3 of Land Court Application 1100;
2.  $267^{\circ} 59'$ —23.04 feet along a remainder of Lot E of Land Court Application 1342;
3.  $268^{\circ} 55'$ —113.76 feet along a remainder of Lot E of Land Court Application 1342;
4.  $257^{\circ} 02'$ —105.52 feet along a remainder of Lot E of Land Court Application 1342;
5.  $278^{\circ} 02'$ —58.29 feet along a remainder of Lot E of Land Court Application 1342;
6.  $278^{\circ} 07'$ —8.11 feet along a remainder of Lot E of Land Court Application 1342 to the Easterly boundary of Lot E of Land Court Application 1342;
7.  $36^{\circ} 30'$ —22.75 feet along the Easterly boundary of Lot E of Land Court Application 1342;
8.  $98^{\circ} 02'$ —51.87 feet along a remainder of Lot E of Land Court Application 1342;
9.  $77^{\circ} 02'$ —66.92 feet along a remainder of Lot E of Land Court Application 1342;
10.  $86^{\circ} 30'$ —154.30 feet along the Southerly boundary of Lot E of Land Court Application 1342 to the point of beginning and containing an area of 5,281 square feet. [641]

#### EASEMENT "B"

Description of Easement Twenty (20) Feet Wide  
Situating in Haiku Valley, Heeia, Koolaupoko,  
for Main Water Supply Line and Roadway Land  
Oahu, T. H.

Being a Portion of Lot Q-2 of Land Court Application 1100.

Description of Base Line of Main Water Supply Line and Roadway Which is on an offset of Five (5) Feet North from the Southerly Boundary of this Easement and on an Offset of Fifteen (15) Feet South From the Northerly Boundary of This Easement.

Beginning at the Westerly end of this easement, on the Easterly boundary of Lot E of Land Court Application 1342, the coordinates of which referred to Government Survey Triangulation Station "Heeia" being 13,962.84 feet South and 1,868.57 feet West, and running by azimuths measured clockwise from true South:

1.  $278^{\circ} 07'$ — 40.80 feet;
2.  $268^{\circ} 32'$ —284.40 feet;
3.  $295^{\circ} 38'$ —177.40 feet;
4.  $273^{\circ} 54'$ —116.70 feet;
5.  $266^{\circ} 17'$ — 72.00 feet;
6.  $267^{\circ} 01'$ —137.10 feet;
7.  $248^{\circ} 00'$ —210.20 feet;
8.  $200^{\circ} 31'$ —146.50 feet;
9.  $251^{\circ} 58'$ —201.90 feet;
10.  $227^{\circ} 16'$ — 82.30 feet;
11.  $228^{\circ} 42'$ —294.35 feet;
12.  $232^{\circ} 36'$ —120.00 feet;
13.  $233^{\circ} 43'$ —216.80 feet;
14.  $266^{\circ} 53'$ —101.90 feet;

## EASEMENT "C"

Description of Easement for Main Water Supply Line and Roadway Land Situated in Haiku Valley, Heeia, Koolaupoko, Oahu, T. H.

Being a Portion of Lot Q-2 of Land Court Application 1100.

Beginning at the Southwest corner of this easement, on the boundary of Lot Q-3 of Land Court Application 1100, the coordinates of which referred to Government Survey Triangulation Station "Heeia" being 13,985.25 feet South and 2,117.76 feet West, and running by azimuths measured clockwise from true South:

1.  $179^{\circ} 52'$ —2.16 feet along the Easterly boundary of Lot Q-3 of Land Court Application 1100;
2.  $266^{\circ} 30'$ —129.48 feet along the Southerly boundary of Lot E of Land Court Application 1342;
3.  $77^{\circ} 02'$ —36.97 feet along a remainder of Lot Q-2 of Land Court Application 1100;
4.  $88^{\circ} 55'$ —93.22 feet along a remainder of Lot Q-2 of Land Court Application 1100 to the point of beginning and containing an area of 494 square feet.

[Endorsed]: Filed Oct. 5, 1945. [643]



[Title of District Court and Cause No. 540.]

MOTION FOR ORDER AMENDING  
PETITION IN CONDEMNATION

Now comes the Petitioner, United States of America, by its attorney, Charles F. Rathbun, Special Assistant to the Attorney General, and moves that this Court enter an order amending the Petition in Condemnation herein by striking Exhibits "A" and "B" attached to said Petition and substituting therefor Exhibits "C" and "D", hereto attached as a part of said Petition, and by striking from said Petition all references to Exhibits "A" and "B" and substituting wherever said Exhibits "A" and "B" are mentioned in said Petition the designation Exhibits "C" and "D", and by striking from said Petition all of Paragraph III and substituting therefore a new Paragraph III as follows:

"That the estate sought to be taken in said lands for the public use aforesaid is title in fee simple, subject to all existing rights of the City & County of Honolulu in and to the rights of way described in Exhibit "C" and delineated on Exhibit "D" as easements "A", "B" and "C" for the purpose of a road, and for the purpose of constructing, operating, maintaining, inspecting, repairing, and removing water pipelines under and across the same."

Petitioner states that it is necessary that the

Petition herein be amended to more accurately define the estate being taken.

Dated: Honolulu, T. H., this 5th day of October, 1945.

UNITED STATES OF  
AMERICA,

By /s/ CHARLES F. RATHBUN,  
Special Assistant to the  
Attorney General.

[Printer's Note]: Exhibit "C" is the same as  
Exhibit "A" set out at pages 329-338.

[Endorsed]: Filed Oct. 15, 1945. [646]

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[Title of District Court and Cause No. 540.]

ORDER AMENDING PETITION IN  
CONDEMNATION

This matter coming on to be heard, upon the Motion of the Petitioner herein to amend Petition in Condemnation in the above cause, and it appearing that it is necessary to more accurately define the estate being taken in the land described in said Petition,

It Is Ordered:

That the Petition in Condemnation be amended by striking therefrom Exhibits "A" and "B", attached thereto, and substituting therefore as a part of said Petition Exhibits "C" and "D" attached to the Motion this day filed herein, asking for an

Order Amending the Petition, and by striking from said Petition all references to Exhibits "A" and "B" and substituting wherever said Exhibits "A" and "B" are mentioned in said Petition the designation Exhibits "C" and "D" and by striking all of Paragraph III of said Petition, substituting therefore a new Paragraph III as set forth in the said Motion this day filed herein, asking for an Order Amending the Petition in Condemnation **herein.**

Dated: Honolulu, T. H., this 5th day of October, 1945.

/s/ J. FRANK McLAUGHLIN,  
Judge of the United States District Court for the  
District of Hawaii.

[Endorsed]: Filed Oct. 5, 1945. [659]

In the District Court of the United States  
for the District of Hawaii

October Term 1945

Civil No. 540

UNITED STATES OF AMERICA,

Petitioner,

vs.

124.914 acres of land, more or less, situate in Haiku  
Valley, Heeia, Koolaupoko, Oahu, Territory of  
Hawaii; Harold K. L. Castle, et al.,

Defendants.

## ORDER AND JUDGMENT ON DECLARATION OF TAKING

It appearing that on October 30, 1944, the United States of America filed a Petition for Condemnation of certain lands described and shown in said Petition herein; and

It further appearing that the said Petition for Condemnation has been amended pursuant to an Order of the Court this day entered herein; and

It further appearing that there was filed herein on the 5th day of October, 1945, in the above cause, a Declaration of Taking signed by James Forrestal, Secretary of Navy, under and pursuant to the provisions of the Act of Congress approved March 27, 1942 (Public Law 507, 77th Congress), the Act of Congress approved April 28, 1942 (Public Law 528, 77th Congress), and the Act of Congress approved

February 26, 1931 (46 Stat. 1421) declaring taken the estates and interests as set forth in said Declaration of Taking and as shown on Exhibits "A" and "B" attached to the said Declaration of Taking and on Exhibits "C" and "D" attached to the Petition herein as amended; that the public uses of said lands are those described in the said Declaration of Taking; and that the said Declaration of Taking sets forth the estimate of just compensation made pursuant to law and that [660] contemporaneously with the filing of said Declaration of Taking there was deposited in the registry of this Court for the use and benefit of the persons entitled thereto the sum of ten thousand two hundred fifty-three and no/100 dollars (\$10,253.00).

It Is Ordered, Adjudged and Decreed that by virtue of the filing of said Declaration of Taking and the deposit of said money, title to the estates and interests in said lands thus shown on Exhibits "A" and "B" attached to the said Declaration of Taking be and the same is hereby indefeasibly vested in the United States of America, subject to the conditions and reservations set forth in said Declaration of Taking and described and delineated on Exhibits "A" and "B" attached to said Declaration of Taking.

It Is Further Ordered that a copy of this Order be promptly served by the United States Marshal upon each of the defendants in this cause having an interest in this proceeding. The Marshal is further ordered to post a copy hereof in a conspicuous



place on the premises and to forthwith make due return of his said service to this Court.

Dated: Honolulu, T. H., this 5th day of October, 1945.

(Seal)           /s/ J. FRANK McLAUGHLIN,  
Judge of the United States District Court for the  
District of Hawaii.

[Endorsed]: Filed Oct. 5, 1945. [661]

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[Title of District Court and Cause No. 540.]

ANSWER OF HONOLULU PLANTATION  
COMPANY

One of the Defendants Above Named

Comes now Honolulu Plantation Company, a corporation, organized under the laws of the State of California, and doing business in the Territory of Hawaii, one of the defendants in the above entitled cause, and for answer to the petition filed herein says:

I.

That it has neither knowledge or information sufficient to form a belief as to the allegations set forth and contained in Paragraphs I, III, IV, V, VI and VII of said petition, and therefore it neither admits nor denies the same but leaves the petitioner to its proof thereof.

II.

That it admits the allegations contained in Paragraph II of said petition.

## III.

That with respect to the allegations of said petition that it claims an interest in the property described in said petition this defendant admits the same and alleges that at the time of the filing of said petition and until judgment or order was entered on [663] declaration of taking filed in said causes it was the owner of an interest in the lands and in some of the improvements thereon and also admits that its lessor has an interest in the lands described in said petition which are under lease to this defendant; that the lease creating such interest and estate will be submitted to the Court on the trial of said causes.

And this defendant further alleges as follows:

That for and during a period of over forty years this defendant has been continuously operating and conducting and is now operating and conducting a sugar mill and plantation at Aiea in the District of Ewa, Island of Oahu, T. H., and has been at all times during said period and now is engaged in the business of growing sugar cane and manufacturing sugar therefrom;

That most of the acreage of land taken, by reason of the fertility of the soil thereon, their low elevation, and the comparatively small expense with which they can be irrigated, is peculiarly adapted to the cultivation and growth of sugar cane, and that this defendant was at the time of the filing of the petition in this cause and until the date fixed for the surrendering of possession by the judgment or order on the Declaration of Taking entered

in this cause and for many years prior thereto had been profitably using said lands for the cultivation and growth of sugar cane;

That the lands included within the area sought to be condemned which are held by this defendant under lease as aforesaid have a special and enhanced value by reason of the establishment by this defendant of a sugar mill and works, in close proximity to said lands, for the manufacture of sugar from cane grown and cultivated thereon and on other lands owned and/or leased by this defendant and by reason of the development by this defendant of a water supply for the irrigation of said lands, and other lands as aforesaid by means of artesian wells, pumping machinery and otherwise;

That for the purpose of cultivating the sand lands, this defendant has constructed improvements thereon;

That the parcel of land sought to be condemned by said petition in which this defendant has leasehold interest was at the time of the filing of the said petition in this cause and until judgment or order was entered on Declaration of Taking filed in this cause, and for many years prior thereto had been, occupied and cultivated by this defendant as integral parts of the sugar plantation operated and conducted by it at Aiea aforesaid and in connection with other large and contiguous tracts situated outside of the lands described in said petition but comprised within the said plantation and demised to this defendant by a number of leases and that by the taking of said lands described in the said

petitions the integrity of said sugar plantation will be destroyed and the unitary value of the leasehold interests and estates of this defendant in such other and contiguous tracts of land will be greatly impaired and diminished.

Wherefore this defendant prays (1) that the damages suffered by this defendant by reason of the taking of the lands and properties described in said petitions may be determined and the amount thereof be awarded to and paid to this defendant, and (2) for such other and general relief as may be meet and proper in the premises.

Dated: Honolulu, T. H., June 18, 1946.

HONOLULU PLANTATION  
COMPANY,

By VITOUSEK, PRATT & WINN,  
Its Attorneys,  
Defendant above named.

[Endorsed]: Filed June 18, 1946. [665]

In the United States District Court for the  
District of Hawaii

October Term 1944

Civil No. 544

UNITED STATES OF AMERICA,

Petitioner,

vs.

317.705 acres of land, more or less, situate at Moanalua, Honolulu, Oahu, Territory of Hawaii; JOHN WATERHOUSE, ERNEST HAY WODEHOUSE, WALTER FRANCIS FREAR and JOHN EDWARD RUSSELL, Trustees under the Will and of the Estate of Samuel M. Damon; HONOLULU PLANTATION COMPANY, an Hawaiian corporation; CITY AND COUNTY OF HONOLULU; TERRITORY OF HAWAII; and all other persons, companies or corporations, either known or unknown, who claim to have or own any right, title or interest of any character whatever in said land,

Defendants.

### PETITION FOR CONDEMNATION

To the Honorable, the Presiding Judges of the  
United States District Court for the District  
of Hawaii:

Now comes the United States of America, by Robert S. Tarnay, Special Assistant to the Attorney General, acting under the instructions of the Attorney General of the United States and at the request of the Secretary of Navy and respectfully represents to the Court:

#### I.

That this proceeding is instituted under the authority of divers and Sundry Acts of Congress, among them the following:



The Act of Congress approved February 7, 1942 (Public Law 441 - 77th Congress)

The Act of Congress approved March 27, 1942 (Public Law 507 - 77th Congress) [666]

and that the Secretary of Navy, acting under authority vested in him by law has determined that it is necessary that the United States of America acquire by condemnation, by judicial process, certain lands more particularly described on Exhibits "A" and "A-1", hereto annexed and made parts hereof as though set forth at length and shown upon a map marked Exhibit "B", also attached hereto.

## II.

That the lands sought to be condemned are located at Moanalua, Honolulu, Oahu, Territory of Hawaii, and lie wholly within the jurisdiction of this Court.

## III.

That the estate sought to be condemned in this action is the fee simple title, together with all improvements thereon and appurtenances thereunto belonging, subject to existing public utility easements and power transmission lines, together with the right of ingress and egress for the purposes of inspecting, maintaining and repairing said power lines for so long as the easement is used for such purposes and subject to such rules and regulations as are promulgated by the United States for the security of the Naval reservation; reserving all existing fresh water mains and appurtenances thereunto belonging in their present location, to-

gether with right of ingress and egress for the purpose of inspecting said water mains for so long as said mains are used for such purposes and subject to such rules and regulations as are promulgated for the security of the Naval reservation; said lands to be used for a Naval Hospital and a Marine Transient Center and Storage Area and other military and Naval purposes.

#### IV.

That John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell, Trustees under the Will and of the Estate of Samuel M. Damon; Honolulu Plantation Company, an Hawaiian corporation; City and County of Honolulu; Territory of Hawaii, and [667] all other persons, companies or corporations, either known or unknown, who claim to have or own any right, title or interest of any character whatever in said land, are made defendants herein.

#### V.

That the Secretary of Navy of the United States has determined that the utmost haste in expediting this project is vital to the War purposes of the United States and that he has, therefore, determined that possession of said lands, to the extent of the interest to be acquired therein, is necessary by the United States and that certain and adequate provisions have been made for the payment of just compensation which may be adjudged due for the condemnation of the lands described and shown on Exhibits "A", "A-1" and "B".

That the petitioner has been in possession of

Parcels D-2 and D-3 from and since September 11, 1943, and September 27, 1943, respectively, pursuant to rights of entry.

Wherefore, your petitioner prays this Honorable Court to take jurisdiction of this cause and enter all orders, judgments and decrees necessary to determine title of said real estate condemned, or any part thereof, and to fix and determine that the continued possession of the lands identified in Paragraph V is necessary for the War and Naval purposes of the United States; that upon payment into the registry of this Court for the use of the persons entitled thereunto of the sum adjudged to be full compensation for the condemnation of said land, that title to said land be vested in the United States of America, in fee simple, subject to the exceptions set forth in Paragraph III, and that the Court make distribution of the final awards among the persons entitled thereto as expeditiously as may be and for such other further relief as to the Court may seem just and proper in the premises. [668]

UNITED STATES OF  
AMERICA,

By /s/ CHARLES F. RATHBUN,  
Special Assistant to the  
Attorney General.

By /s/ ROBERT S. TARNAY,  
Special Assistant to the  
Attorney General.

(Duly Verified.) [669]

## EXHIBIT "A"

## PARCEL D-2

Being a portion of Lot E of Land Court Application 1074 at Moanalua, Honolulu, Oahu, T. H., also covered under Certificate of Title No. 20,266.

Beginning at the West corner of this parcel of land, on the boundary between the lands of Moanalua (Land Court Application 1074) and Halawa (Land Court Application 966), and on the North-east side of Kamehameha Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Salt Lake" being 5205.00 feet South and 8992.65 feet West and thence running by azimuths measured clockwise from True South:

1.  $226^{\circ} 59'$ —1327.46 feet along Lot 1-A of Land Court Application 966, along Parcel E-2;
2.  $359^{\circ} 01' 30''$ —166.20 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1;
3.  $313^{\circ} 35'$ —378.66 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1;
4.  $342^{\circ} 51' 30''$ —299.22 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1;
5.  $353^{\circ} 39' 30''$ —173.96 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1;
6.  $339^{\circ} 20' 30''$ —440.75 feet along the remainder

- of Lot E of Land Court Application 1074,  
along Parcel D-1;
7.  $320^{\circ} 04' 30''$ —385.00 feet along the remainder  
of Lot E of Land Court Application 1074,  
along Parcel D-1;
  8.  $336^{\circ} 40'$ —238.42 feet along the remainder of  
Lot E of Land Court Application 1074, along  
Parcel D-1;
  9.  $348^{\circ} 21' 30''$ —102.09 feet along the remainder  
of Lot E of Land Court Application 1074,  
along Parcel D-1;
  10.  $327^{\circ} 54'$ —304.63 feet along the remainder of  
Lot E of Land Court Application 1074, along  
Parcel D-1;
  11.  $288^{\circ} 14' 30''$ —226.57 feet along the remainder  
of Lot E of Land Court Application 1074,  
along Parcel D-1;
  12.  $303^{\circ} 13' 30''$ —248.58 feet along the remainder  
of Lot E of Land Court Application 1074,  
along Parcel D-1;
  13.  $25^{\circ} 49'$ —1766.94 feet along the remainder of  
Lot E of Land [670] Court Application 1074,  
along Parcel D-3;
  14.  $124^{\circ} 30'$ —1011.56 feet along the new mauka  
line of Kamehameha Highway, said line estab-  
lished by Territory of Hawaii Condemnation  
Law No. 17049;
  15. Thence along the new mauka line of Kame-  
hameha Highway, said line established by Ter-  
ritory of Hawaii Condemnation Law No. 17049  
on a curve to the right with a radius of 1205.86



feet, the direct azimuth and distance being 146° 27' 30" 901.82 feet;

16. 168° 25'—1774.38 feet along the new mauka line of Kamehameha Highway, said line established by Territory of Hawaii Condemnation Law No. 17049 to the point of beginning and containing an area of 117.135 acres. [671]

### PARCEL D-3

Being portions of Lots E, G, H, J and W of Land Court Application 1074, at Moanalua, Honolulu, Oahu, T. H. (also covered under Certificate of Title No. 20,266).

Beginning at a point on the North boundary of this parcel of land, being also the most Westerly corner of Parcel D-6, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Salt Lake" being 8298.51 feet South and 1945.23 feet West and thence running by azimuths measured clockwise from True South:

1. 276° 20' 40"—44.90 feet along the remainder of Lot H of Land Court Application 1074, along Parcel D-6;
2. 9° 04'—802.03 feet along the remainders of Lots H and G of Land Court Application 1074, along Parcel D-4;
3. 12° 29'—288.52 feet along the remainder of Lot G of Land Court Application 1074, along Parcel D-4;
4. Thence on a curve to the right with a radius of 50.00 feet, along the remainder of Lot G

of Land Court Application 1074, along Parcel D-4, the direct azimuth and distance being  $55^{\circ} 46' 10''$  68.56 feet;

5.  $99^{\circ} 03' 20''$ —4531.04 feet along the new mauka line of Kamehameha Highway, said line established by Territory of Hawaii Condemnation Law No. 17049;
6. Thence still along the new mauka line of Kamehameha Highway, said line established by Territory of Hawaii Condemnation Law No. 17049 on a curve to the right with a radius of 2262.15 feet, the direct azimuth and distance being  $111^{\circ} 46' 40''$  996.36 feet;
7.  $124^{\circ} 30'$ —191.62 feet along the new mauka line of Kamehameha Highway, said line established by Territory of Hawaii Condemnation Law No. 17049;
8.  $205^{\circ} 49'$ —1766.94 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-2; [672]
9.  $289^{\circ} 38' 30''$ —380.00 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1;
10.  $269^{\circ} 04'$ —153.58 feet along the remainder of Lot E of Land Court Application 1074; along Parcel D-1;
11.  $296^{\circ} 09'$ —274.03 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1;
12.  $267^{\circ} 21' 30''$ —252.62 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1;

13.  $313^{\circ} 50'$ —198.56 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1;
14.  $244^{\circ} 19' 30''$ —162.60 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1;
15.  $232^{\circ} 01' 30''$ —238.58 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1;
16.  $339^{\circ} 07'$ —143.45 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1;
17.  $280^{\circ} 33'$ —73.67 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1;
18.  $212^{\circ} 32' 30''$ —156.57 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1;
19.  $293^{\circ} 29'$ —143.57 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1;
20.  $2^{\circ} 36'$ —81.96 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1;
21.  $346^{\circ} 12'$ —241.81 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1;
22.  $277^{\circ} 57'$ —196.66 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1;
23.  $229^{\circ} 20' 30''$ —281.42 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1;

24.  $321^{\circ} 19'$ —184.71 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1;
25.  $1^{\circ} 39' 30''$ —183.00 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1;
26.  $295^{\circ} 38'$ —140.00 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1;
27.  $237^{\circ} 25' 30''$ —432.28 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1;
28.  $341^{\circ} 45'$ —147.18 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1; [673]
29.  $4^{\circ} 37'$ —129.47 feet along the remainder of Lot E of Land Court Application 1074, along Parcel D-1;
30.  $326^{\circ} 26' 30''$ —496.50 feet along the remainders of Lots E and W of Land Court Application 1074, along Parcel D-1;
31.  $313^{\circ} 15'$ —435.82 feet along the remainders of Lots W and G of Land Court Application 1074, along Parcel D-1;
32.  $260^{\circ} 55' 30''$ —325.02 feet along the remainders of Lots G and J of Land Court Application 1074, along Parcel D-1;
33.  $318^{\circ} 23'$ —54.00 feet along the remainder of Lot J of Land Court Application 1074;
34.  $303^{\circ} 55'$ —89.95 feet along the remainder of Lot J of Land Court Application 1074;
35.  $283^{\circ} 56'$ —130.80 feet along the remainder of Lot J of Land Court Application 1074;

36. 272° 50' 50"—516.21 feet along the remainders of Lots J and H of Land Court Application 1074 to the point of beginning and containing an area of 200.57 acres.

[Endorsed]: Filed Nov. 28, 1944. [674]

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[Title of District Court and Cause No. 544.]

### DECLARATION OF TAKING

Whereas, pursuant to the Acts of Congress approved March 27, 1942 (Public Law 507, 77th Congress), and February 7, 1942 (Public Law 441, 77th Congress), the above styled condemnation proceeding has been instituted.

Now, Therefore, pursuant to the provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421), I, Secretary of the Navy, do hereby make and cause to be filed this declaration of taking, and by virtue of authority thereof do hereby state that the lands selected for acquisition aggregate 317.705 acres, more or less, at Moanalua, Oahu, Territory of Hawaii, which said lands are shown on a whiteprint entitled "Composite Boundary Map, Portions of the Lands of the Estate of Emma Kaleleonalani, deceased, at Halawa, Ewa, Oahu, T. H. [676] and the Estate of S. M. Damon, deceased, at Moanalua, Honolulu, Oahu, T. H." attached hereto as Exhibit "B" and made a part hereof. The lands are more particularly described in Exhibit "A" attached hereto and made a part hereof.

And I do declare the lands to be taken under



authority of the aforesaid acts of Congress; that the use to which the lands are to be put is for the establishment of a Naval Hospital, Marine Transient Center and Storage Area as authorized by said acts; and that the estate hereby taken in said lands for the public use aforesaid is in fee simple, subject to existing public utility easements for power transmission lines in favor of the Hawaiian Electric Company, Limited, together with the right of ingress and egress for the purposes of inspecting, maintaining and repairing said power lines for so long as the easements are used for such purposes and subject to such rules and regulations as are promulgated by the United States for the security of the Naval reservation; reserving, however, unto John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell as Trustees under the Will and of the Estate of Samuel M. Damon, Deceased, all existing fresh water mains and appurtenances thereunto belonging in their present location, together with the right of ingress and egress for the purposes of inspecting, maintaining and repairing said water mains and appurtenances thereunto belonging for so long as said mains are used for such purposes and subject to such rules and regulations as are promulgated by the United States for the security of the Naval reservation.

And I do hereby state that the sum of money estimated by me to be just compensation for all of said lands, improvements thereon, and appurtenances thereunto belonging is two hundred thirty-

three thousand four hundred three dollars and ninety-four cents (\$233,403.94), and is hereby deposited into the registry of the court for the use and benefit of the persons entitled thereto, and the amount of just compensation for said lands and improvements thereon, which are hereby taken are shown on [677] Schedule "A" which is attached hereto and made a part of this declaration of taking.

I am of the opinion that the ultimate award for the taking of said lands will be within the limits prescribed by Congress.

In Witness Whereof, the petitioner, by and through the Secretary of the Navy, has caused this declaration of taking to be signed and the seal of the Department of the Navy to be affixed hereto on the 8th day of January, 1945, in the City of Washington, District of Columbia.

UNITED STATES OF  
AMERICA,

(Seal) By /s/ JAMES FORRESTAL. [678]

**SCHEDULE "A"**

The names of the persons having title to or other interests in the lands described in the within declaration of taking, and the amounts estimated to be fair compensation for each respective ownership including all improvements thereon, are as follows:

Name of Owner	Parcel	Acres	Estimated Just Compensation
Samuel M. Damon Est.	D-2	117.135	\$ 63,253.00
Honolulu Plantation Company, Lessee			24,937.69
Samuel M. Damon Est.	D-3	200.570	104,111.00
Honolulu Plantation Company, Lessee			41,102.25
	Total	317.705	\$233,403.94

[Printer's Note]: Exhibit "A" is the same as Exhibit "A" set out at pages 358-364 of this printed Record.

[Endorsed]: Filed Jan. 29, 1945. [679]

In the United States District Court for the  
District of Hawaii

October Term 1944

Civil No. 544

UNITED STATES OF AMERICA,

Petitioner,

vs.

317.705 Acres of land, more or less, situate at  
Moanalua, Honolulu, Oahu, Territory of Ha-  
waii; John Waterhouse, Ernest Hay Wode-  
house, Walter Francis Frear and John Edward  
Russell, Trustees under the Will and of the  
Estate of Samuel M. Damon, et al.,

Defendants.

## ORDER AND JUDGMENT ON DECLARATION OF TAKING

It appearing that on November 28, 1944, the United States of America filed a petition for condemnation of certain lands described and shown on Exhibits "A" and "B", attached to the Declaration of Taking; and

It further appearing that there was filed on the 29th day of January, 1945, a Declaration of Taking signed by James Forrestal, Secretary of the Navy, under and pursuant to provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421), declaring taken the full fee simple title,

together with all improvements thereon and appurtenances thereunto belonging, as limited in the Declaration of Taking; that the uses of said land and improvements thereon and appurtenances thereunto belonging are those described in the said Declaration of Taking and in the Petition; and that the said Declaration of Taking sets forth the estimate of just compensation made pursuant to law and that contemporaneously with the filing of said Declaration of Taking, there was deposited in the registry of this Court for the use of the persons entitled thereunto the sum of two hundred thirty-three thousand, four hundred three dollars and ninety-four cents (\$233,403.94),

It Is Ordered, Adjudged and Decreed that by virtue of the filing of said Declaration of Taking and the deposit of said money, fee simple title [686] to the lands described and shown on Exhibits "A" and "B", attached to the said Declaration of Taking, including all improvements and appurtenances upon said lands, as limited by the said Declaration of Taking, is indefeasibly vested in the United States of America; and

It Is Further Ordered that a copy of this Order be promptly served by the United States Marshal upon each of the defendants named and upon each and every person, company or corporation in possession of said land at the time possession was surrendered to the petitioner. The Marshal is further ordered to post a copy hereof in a conspicuous place



on the premises and to forthwith make due return of his said services to this Court.

Dated: Honolulu, T. H., this 29th day of January, 1945.

(Seal)           /s/ J. FRANK McLAUGHLIN,  
Judge of the United States District Court for the  
District of Hawaii.

[Endorsed]: Filed Jan. 29, 1945. [687]

In the United States District Court for the  
District of Hawaii

October Term 1944

Civil No. 548

UNITED STATES OF AMERICA,

Petitioner,

vs.

63.725 acres of land, more or less, situate at Moanalua, Honolulu, Oahu, Territory of Hawaii; JOHN WATERHOUSE, ERNEST HAY WODEHOUSE, WALTER FRANCIS FREAR and JOHN EDWARD RUSSELL, Trustees under the Will and of the Estate of Samuel M. Damon; HONOLULU PLANTATION COMPANY, an Hawaiian corporation; CITY AND COUNTY OF HONOLULU; TERRITORY OF HAWAII; and all other persons, companies or corporations, either known or unknown, who claim to have or own any right, title or interest of any character whatever in said land,

Defendants.

### PETITION FOR CONDEMNATION

To the Honorable, the Presiding Judges of the  
United States District Court for the District  
of Hawaii:

Now comes the United States of America, by Charles F. Rathbun and Robert S. Tarnay, Special Assistants to the Attorney General, acting under the instructions of the Attorney General of the United States and at the request of the Secretary of Navy and respectfully represents to the Court:

#### I.

That this proceeding is instituted under the authority of divers and Sundry Acts of Congress, among them the following:

The Act of Congress approved March 27, 1942 (Public Law 507 - 77th Congress)

The Act of Congress approved June 26, 1943 (Public Law 92 - 78th Congress)

The Act of Congress approved June 22, 1944 (Public Law 347 - 78th Congress)

and that the Secretary of Navy, acting under authority vested in him by law has determined that it is necessary that the United States of America acquire by condemnation, by judicial process, certain lands more particularly described [688] on Exhibits "A" and "A-1", hereto annexed and made parts hereof as though set forth at length and shown upon a map marked Exhibit "B", also attached hereto.

## II.

That the lands sought to be condemned are located at Moanalua, Honolulu, Oahu, Territory of Hawaii, and lie wholly within the jurisdiction of this Court.

## III.

That the estate sought to be condemned in this action is the fee simple title, subject to the following:

(a) Existing public utility easements for power transmission lines in favor of the Hawaiian Electric Company, Ltd., together with the right of ingress and egress for the purposes of inspecting, maintaining and repairing said power lines for so long as the easements are used for such purposes and subject to such rules and regulations as are

promulgated by the United States for the security of the Naval Reservation; and

(b) Reserving, however, unto John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell as Trustees under the Will and of the Estate of Samuel M. Damon, deceased, all existing fresh water mains and appurtenances thereunto belonging in their present location, together with the right of ingress and egress for the purposes of inspecting, maintaining and repairing said water mains and appurtenances thereunto belonging for so long as said mains and appurtenances are used for such purposes and subject to such rules and regulations as are promulgated by the United States for the security of the Naval Reservation.

Said lands are to be used for a security strip for the protection of Pearl Harbor and the Naval Reservation and for other Naval and military purposes.

#### IV.

That John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell, Trustees under the Will and of the Estate of Samuel M. Damon; Honolulu Plantation Company, an Hawaiian corporation; City and County of Honolulu; Territory of Hawaii, and all other persons, companies or corporations, either known or unknown, who claim to have or own any right, title or interest of any character whatever in said land, are made defendants herein. [689]

## V.

That the Secretary of Navy of the United States had determined that the utmost haste in expediting this project is vital to the War purposes of the United States and that he has, therefore, determined that possession of said lands, to the extent of the interest to be acquired therein, is necessary by the United States and that certain and adequate provisions have been made for the payment of just compensation which may be adjudged due for the condemnation of the lands described and shown on Exhibits "A", "A-1" and "B".

That the petitioner has been in possession of Parcel D-13 from and since August 8, 1944.

Wherefore, your petitioner prays this Honorable Court to take jurisdiction of this cause and enter all orders, judgments and decrees necessary to determine title of said real estate condemned, or any part thereof, and to fix and determine that the continued possession of Parcel D-13 is necessary for the War and Naval purposes of the United States; that upon payment into the registry of this Court for the use of the persons entitled thereunto of the sum adjudged to be full compensation for the condemnation of said land, that title to said land be vested in the United States of America in fee simple, subject to the exceptions and reservations set forth in Paragraph III, and that the Court make distribution of the final awards among the persons entitled thereto as expeditiously as may be and for



such other further relief as to the Court may seem just and proper in the premises.

UNITED STATES OF  
AMERICA,

By /s/ CHARLES F. RATHBUN,  
Special Assistant to the  
Attorney General.

By /s/ ROBERT S. TARNAY,  
Special Assistant to the  
Attorney General.

(Duly Verified.) [690]

EXHIBIT "A"

PARCEL D-13

Being portions of Lots H and J of Land Court Application 1074, at Moanalua, Honolulu, Oahu, T. H. (also covered under Certificate of Title No. 20,266).

Beginning at the most Southerly corner of this parcel of land, being also the most Westerly corner of Parcel D-6, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Salt Lake" being 8298.51 feet South and 1945.23 feet West and thence running by azimuths measured clockwise from True South:

1. 92° 50' 50"—516.21 feet along the remainders of Lots H and J of Land Court Application 1074, along Parcel D-3;

2.  $103^{\circ} 56'$ —130.80 feet along the remainder of Lot J of Land Court Application 1074, along Parcel D-3;
3.  $123^{\circ} 55'$ —89.95 feet along the remainder of Lot J of Land Court Application 1074, along Parcel D-3;
4.  $138^{\circ} 23'$ —54.00 feet along the remainder of Lot J of Land Court Application 1074, along Parcel D-3;
5.  $153^{\circ} 32'$ —111.35 feet along the remainder of Lot J of Land Court Application 1074, along Parcel D-1;
6.  $176^{\circ} 44'$ —98.27 feet along the remainder of Lot J of Land Court Application 1074, along Parcel D-1;
7.  $194^{\circ} 20'$ —104.92 feet along the remainder of Lot J of Land Court Application 1074, along Parcel D-1;
8.  $211^{\circ} 41'$ —99.20 feet along the remainder of Lot J of Land Court Application 1074, along Parcel D-1;
9.  $191^{\circ} 22'$ —113.72 feet along the remainder of Lot J of Land Court Application 1074, along Parcel D-1;
10.  $161^{\circ} 59'$ —87.63 feet along the remainder of Lot J of Land Court Application 1074, along Parcel D-1;
11.  $172^{\circ} 31'$ —229.25 feet along the remainder of Lot J of Land Court Application 1074, along Parcel D-1;
12.  $191^{\circ} 46'$ —207.86 feet along the remainder of

- Lot J of Land Court Application 1074, along Parcel D-1;
13.  $213^{\circ} 00'$ —170.45 feet along the remainder of Lot J of Land Court Application 1074, along Parcel D-1;
  14.  $228^{\circ} 56'$ —75.00 feet along the remainder of Lot J of Land Court Application 1074, along Parcel D-1;
  15.  $298^{\circ} 06' 50''$ —286.32 feet along the remainder of Lot J of Land Court Application 1074, along the Southwest side of Alternate Highway from Honolulu to Schofield (100 feet wide);
  16. Thence along the remainder of Lot J of Land Court Application 1074, along the Southwest side of Alternate Highway from Honolulu to Schofield (100 feet wide) on a curve to the left with a radius of 1958.89 feet, the direct azimuth and distance being  $283^{\circ} 23' 20''$  996.34 feet;
  17.  $21^{\circ} 10'$ —398.79 feet along Lot H of Land Court Application 1074, along Parcel D-6;
  18.  $42^{\circ} 51'$ —283.80 feet along Lot H of Land Court Application 1074, along Parcel D-6;
  19.  $41^{\circ} 03'$ —321.00 feet along Lot H of Land Court Application 1074, along Parcel D-6;
  20.  $31^{\circ} 59' 30''$ —190.64 feet along the remainder of Lot H of Land Court Application 1074, along Parcel D-6 to the point of beginning and containing an area of 29.165 acres. [693]

## PARCEL D-14

Being portions of Lots H and J of Land Court Application 1074, Situated at Moanalua, Honolulu, Oahu, T. H. (also covered under Certificate of Title No. 20,266).

Beginning at the South corner of this parcel of land, being also the most Southeasterly corner of Lot G of Land Court Application 1074 and on the West side of Puuloa Road, the true azimuth traverse to a City and County Survey Street Monument set at the intersection of Kamehameha Highway and Puuloa Road being as follows:

(a)  $61^{\circ} 24' 01''$ —336.82 feet;

(b)  $64^{\circ} 09'$ —190.74 feet and the co-ordinates of said City and County Survey Street Monument referred to Government Survey Triangulation Station "Salt Lake" being 10,085.47 feet South and 1487.34 feet East and thence running by azimuths measured clockwise from True South from the above described initial point:

1.  $147^{\circ} 00'$ —485.39 feet along Lot G of Land Court Application 1074, along Parcel D-4;
2.  $95^{\circ} 28'$ —97.96 feet along Lot G of Land Court Application 1074, along Parcel D-4;
3.  $71^{\circ} 39'$ —171.50 feet along Lot G of Land Court Application 1074, along Parcel D-4;
4.  $93^{\circ} 14'$ —74.80 feet along Lot G of Land Court Application 1074, along Parcel D-4;
5.  $168^{\circ} 26'$ —337.76 feet along Lot G of Land Court Application 1074, along Parcel D-4;

6.  $189^{\circ} 04'$ —484.09 feet along the remainder of Lot H of Land Court Application 1074, along Parcel D-4;
7.  $276^{\circ} 20' 40''$ —88.06 feet along the remainder of Lot H of Land Court Application 1074, along Parcel D-6;
8.  $200^{\circ} 38' 30''$ —385.00 feet along the remainder of Lot H of Land Court Application 1074, along Parcel D-6 to a spike; [694]
9.  $296^{\circ} 48'$ —136.72 feet along the remainder of Lot H of Land Court Application 1074, along Parcel D-6 to a pipe;
10.  $325^{\circ} 24' 30''$ —125.58 feet along the remainder of Lot H of Land Court Application 1074, along Parcel D-6 to a pipe;
11.  $357^{\circ} 13'$ —92.00 feet along the remainder of Lot H of Land Court Application 1074, along Parcel D-6 to a pipe;
12.  $262^{\circ} 01'$ —110.23 feet along the remainder of Lot H of Land Court Application 1074, along Parcel D-6 to a pipe;
13.  $315^{\circ} 48' 30''$ —216.24 feet along the remainder of Lot H of Land Court Application 1074, along Parcel D-6 to a pipe;
14.  $30^{\circ} 40' 30''$ —87.71 feet along the remainder of Lot H of Land Court Application 1074, along Parcel D-6 to a pipe;
15.  $10^{\circ} 28'$ —340.98 feet along the remainder of Lot H of Land Court Application 1074, along Parcel D-6 to a pipe;
16.  $279^{\circ} 25' 30''$ —149.31 feet along the remainder



- of Lot H of Land Court Application 1074,  
along Parcel D-6 to a pipe;
17.  $251^{\circ} 43' 30''$ —180.37 feet along the remainder  
of Lot H of Land Court Application 1074,  
along Parcel D-6 to a pipe;
  18.  $177^{\circ} 25'$ —231.17 feet along the remainder of  
Lot H of Land Court Application 1074, along  
Parcel D-6 to a pipe;
  19.  $165^{\circ} 06' 30''$ —137.92 feet along the remainder  
of Lot H of Land Court Application 1074,  
along Parcel D-6 to a pipe;
  20.  $168^{\circ} 28'$ —213.58 feet along the remainder of  
Lot H of Land Court Application 1074, along  
Parcel D-6 to a pipe;
  21.  $173^{\circ} 16' 30''$ —85.08 feet along the remainder  
of Lot H of Land Court Application 1074,  
along Parcel D-6 to a pipe;
  22.  $91^{\circ} 06'$ —87.69 feet along the remainder of Lot  
H of Land Court Application 1074, along Parcel  
D-6 to a pipe;
  23.  $73^{\circ} 02' 30''$ —117.89 feet along the remainder of  
Lot H of Land Court Application 1074, along  
Parcel D-6 to a pipe; [695]
  24.  $127^{\circ} 00' 30''$ —123.55 feet along the remainder  
of Lot H of Land Court Application 1074,  
along Parcel D-6 to a pipe;
  25.  $146^{\circ} 04'$ —69.39 feet along the remainder of  
Lot H of Land Court Application 1074, along  
Parcel D-6 to a pipe;
  26.  $201^{\circ} 06'$ —163.70 feet along the remainder of  
Lot H of Land Court Application 1074, along  
Parcel D-6 to a pipe;

27.  $157^{\circ} 22'$ —230.59 feet along the remainder of Lot H of Land Court Application 1074, along Parcel D-6 to a pipe;
28.  $246^{\circ} 25' 30''$ —209.34 feet along the remainder of Lot H of Land Court Application 1074, along Parcel D-6 to a pipe;
29.  $313^{\circ} 40' 30''$ —222.30 feet along the remainder of Lot H of Land Court Application 1074, along Parcel D-6 to a pipe;
30.  $198^{\circ} 46'$ —290.80 feet along the remainders of Lots H and J of Land Court Application 1074, along Parcel D-6 to a pipe;
31.  $164^{\circ} 17'$ —97.50 feet along the remainder of Lot J of Land Court Application 1074, along Parcel D-6 to a pipe;
32.  $195^{\circ} 31' 30''$ —55.92 feet along the remainder of Lot J of Land Court Application 1074, along Parcel D-6 to a pipe;
33.  $255^{\circ} 08' 30''$ —57.98 feet along the remainder of Lot J of Land Court Application 1074, along Parcel D-6 to a pipe;
34.  $282^{\circ} 20'$ —67.80 feet along the remainder of Lot J of Land Court Application 1074, along Parcel D-6 to a pipe;
35.  $190^{\circ} 49'$ —257.90 feet along the remainder of Lot J of Land Court Application 1074, along Parcel D-6 to a pipe;
36.  $216^{\circ} 56'$ —142.30 feet along the remainder of Lot J of Land Court Application 1074, along Parcel D-6 to a pipe;
37.  $226^{\circ} 04' 30''$ —153.24 feet along the remainder

- of Lot J of Land Court Application 1074, along Parcel D-6 to a pipe;
38.  $115^{\circ} 25'$ —238.48 feet along the remainder of Lot J of Land Court Application 1074, along Parcel D-6 to a pipe; [696]
  39.  $153^{\circ} 34'$ —223.39 feet along the remainder of Lot J of Land Court Application 1074, along Parcel D-6 to a nail driven in rock;
  40.  $173^{\circ} 50'$ —21.62 feet along the remainder of Lot J of Land Court Application 1074, along Parcel D-6;
  41.  $259^{\circ} 19'$ —800.87 feet along the remainder of Lot J of Land Court Application 1074;
  42.  $312^{\circ} 21' 30''$ —97.59 feet along the remainder of Lot J of Land Court Application 1074;
  43.  $42^{\circ} 21' 30''$ —354.96 feet along the West side of Puuloa Road;
  44. Thence along the West side of Puuloa Road, on a curve to the left with a radius of 911.92 feet, the direct azimuth and distance being  $35^{\circ} 39' 25''$  212.81 feet;
  45.  $28^{\circ} 57' 20''$ —802.54 feet along the West side of Puuloa Road;
  46. Thence along the West side of Puuloa Road, on a curve to the left with a radius of 795.25 feet; the direct azimuth and distance being  $14^{\circ} 38' 55''$  394.04 feet;
  47.  $00^{\circ} 20' 30''$ —864.65 feet along the West side of Puuloa Road;
  48. Thence along the West side of Puuloa Road, on a curve to the right with a radius of 1896.80

feet, the direct azimuth and distance being  $1^{\circ} 39' 20''$  86.98 feet;

49. Still along the West side of Puuloa Road, on a curve to the right with a radius of 855.36 feet, the direct azimuth and distance being  $26^{\circ} 42' 08''$  712.68 feet to the point of beginning and containing an area of 34.560 Acres.

[Endorsed]: Filed Jan. 18, 1945.

[697]

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[Title of District Court and Cause No. 548.]

### DECLARATION OF TAKING

Whereas, pursuant to the Acts of Congress approved March 27, 1942 (Public Law 507, 77th Congress), June 26, 1943 (Public Law 92, 78th Congress), and June 22, 1944 (Public Law 347, 78th Congress), the above styled condemnation proceeding has been instituted.

Now, Therefore, pursuant to the provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421), I, Secretary of the Navy, do hereby make and cause to be filed this declaration of taking, and by virtue of authority thereof do hereby state that the lands selected for acquisition aggregate 63.725 acres, more or less, [699] at Moanalua, Honolulu, Oahu, Territory of Hawaii, more particularly described in Exhibit "A" attached hereto and made a part hereof, and delineated as Parcels D-13 and D-14 on a map entitled, "Composite

Boundary Map", designated as 14th N. D. Dwg. No. OA-N1-942, attached hereto as Exhibit "B" and made a part hereof.

And I do declare said lands to be taken under the authority of the aforesaid Acts of Congress; that the use to which said lands are to be put is for a security strip for the protection of Pearl Harbor and the Naval Reservation and for other Naval and military purposes, as authorized by said Acts.

I do further declare that the estate hereby taken in said lands, together with all improvements and appurtenances thereto belonging, for the public use aforesaid, is title in fee simple, subject to the following:

(a) Existing public utility easements for power transmission lines in favor of the Hawaiian Electric Company, Ltd., together with the right of ingress and egress for the purposes of inspection, maintaining and repairing said power lines for so long as the easements are used for such purposes; and

(b) The reservation unto John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell as Trustees under the Will and of the Estate of Samuel M. Damon, deceased, of all existing fresh water mains and appurtenances thereunto belonging in their present location, together with the rights of ingress and egress for the purposes of inspecting, maintaining and repair-



ing said water mains and appurtenances thereunto belonging for so long as said mains and appurtenances are needed and used; and [700]

(c) An easement hereby reserved unto the fee owners, John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell, as Trustees under the Will and of the Estate of Samuel M. Damon, deceased, their successors in trust, assigns, and permittees, for the erection, maintenance and operation of spheroidal gas storage tanks, over and upon that certain area of Parcel D-14, comprising 1.245 acres, described in Exhibit "A" and delineated upon Exhibit "B" as Easement No. 1, all for so long only as said area is used for such purposes, together with the right of ingress and egress thereto for the purpose of said easement, at such place and at such times as the Secretary of the Navy, or his duly authorized representative, shall specify. Said reservation is hereby made subject, however, to the restriction that no structure erected on said site shall exceed the height of 75 feet above the ground level.

And I, Secretary of the Navy, do hereby state that the sum of money estimated by me to be just compensation for said lands and all improvements thereon and appurtenances thereunto belonging, is Twenty Thousand Two Hundred and Thirty Dollars (\$20,230.00), which sum is hereby deposited into the registry of the court for the use and benefit of the persons entitled thereto.

The ostensible owners of the property are John Waterhouse, Ernest Hay Wodehouse, Walter Fran-

cis Frear and John Edward Russell, Trustees under the Will and of the Estate of Samuel M. Damon, deceased. [701]

I am of the opinion that the ultimate award for the taking of said lands will be within the limits prescribed by Congress.

In Witness Whereof, the petitioner, by and through the Secretary of the Navy, has caused this declaration of taking to be signed this 25th day of September, 1945, in the City of Washington, District of Columbia.

UNITED STATES  
OF AMERICA,

By /s/ JAMES FORRESTAL. [702]

[Printer's Note]: Exhibit "A" is the same as Exhibit "A" set out at pages 375-383 except second line of paragraph 49, page 383, reads: "a curve to the right with a radius of 885.36 feet."

EASEMENT 1

Beginning at the South corner of this parcel of land, being also the South corner of Lot J and the East corner of Lot H, on the Northwesterly side of Puuloa Road of Land Court Application 1074 and thence running by azimuths measured clockwise from True South:

1.  $115^{\circ} 30'$ —174.23 feet along Lot H;
2.  $198^{\circ} 46'$ —36.63 feet along the remainder of Lot J;
3.  $164^{\circ} 17'$ —97.50 feet along the remainder of Lot J;

4.  $195^{\circ} 31' 30''$ —55.92 feet along the remainder of Lot J;
5.  $255^{\circ} 08' 30''$ —57.98 feet along the remainder of Lot J;
6.  $282^{\circ} 20'$ —67.80 feet along the remainder of Lot J;
7.  $190^{\circ} 49'$ —43.34 feet along the remainder of Lot J;
8.  $298^{\circ} 57' 20''$ —168.63 feet along the remainder of Lot J;
9.  $28^{\circ} 57' 20''$ —250.00 feet along Puuloa Road to the point of beginning and containing an area of 1.245 Acres.

[Endorsed]: Filed Nov. 1, 1945.

[709]

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[Title of District Court and Cause No. 548.]

## MOTION OF ORDER AMENDING PETITION IN CONDEMNATION

Now comes the Petitioner, United States of America, by its attorney, Charles F. Rathbun, Special Assistant to the Attorney General, and moves that this Court enter an Order Amending the Petition in Condemnation herein by adding to Exhibits "A" and "A-1", attached to the Petition in Condemnation herein, the following.

### "EASEMENT 1

Beginning at the South corner of this parcel of land, being also the South corner of Lot J and the East corner of Lot H, on the Northwesterly side

of Puuloa Road of Land Court Application 1074 and thence running by azimuths measured clockwise from True South:

1.  $115^{\circ} 30'$ —174.23 feet along Lot H;
2.  $198^{\circ} 46'$ —36.63 feet along the remainder of Lot J;
3.  $164^{\circ} 17'$ —97.50 feet along the remainder of Lot J;
4.  $195^{\circ} 31' 30''$ —55.92 feet along the remainder of Lot J; [711]
5.  $255^{\circ} 08' 30''$ —57.98 feet along the remainder of Lot J;
6.  $282^{\circ} 20'$ —67.80 feet along the remainder of Lot J;
7.  $190^{\circ} 49'$ —43.34 feet along the remainder of Lot J;
8.  $298^{\circ} 57' 20''$ —168.63 feet along the remainder of Lot J;
9.  $28^{\circ} 57' 20''$ —250.00 feet along Puuloa Road to the point of beginning and containing an area of 1.245 Acres."

and by striking from said Petition Exhibit "B" attached to said Petition, and substituting therefore and making a part of said Petition Exhibit "C", hereto attached and made a part of this Motion, and by striking from said Petition in Condemnation all of Paragraph III and substituting therefore a new Paragraph III as a part of said Petition as follows:

"That the estate sought to be condemned in said lands, together with all improvements and appur-

tenances thereto belonging, is title in fee simple, subject to the following:

(a) Existing public utility easements for power transmission lines in favor of the Hawaiian Electric Company, Ltd., together with the right of ingress and egress for the purposes of inspection, maintaining and repairing said power lines for so long as the easements are used for such purposes; and

(b) The reservation unto John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell as Trustees under the Will and of the Estate of Samuel M. Damon, deceased, of all existing fresh water mains and appurtenances thereunto belonging in their present location, together with the right of ingress and egress for the purposes of inspecting, maintaining and repairing said water mains and appurtenances thereunto belonging for so long as said mains and appurtenances are needed and used; and [712]

(c) An easement hereby reserved unto the fee owners, John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell, as Trustees under the Will and of the Estate of Samuel M. Damon, deceased, their successors in trust, assigns, and permittees, for the erection, maintenance and operation of spheroidal gas storage tanks, over and upon that certain area of Parcel D-14, comprising 1.245 acres, described in Exhibit "A" and delineated upon Exhibit "B" as Easement No. 1, all for so long only as said area is used for such purposes, together with the right



of ingress and egress thereto for the purpose of said easement, at such place and at such times as the Secretary of the Navy, or his duly authorized representative, shall specify. Said reservation is hereby made subject, however, to the restriction that no structure erected on said site shall exceed the height of 75 feet above the ground level."

Petitioner states that it is necessary that the Petition herein be amended to more accurately define the estate being taken.

Dated Honolulu, T. H., this 1st day of November, 1945.

UNITED STATES  
OF AMERICA,

(Seal) By /s/ CHARLES F. RATHBUN,  
Special Asst to the Atty Gen.

[Endorsed]: Filed Nov. 1, 1945. [713]

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[Title of District Court and Cause No. 548.]

ORDER AMENDING PETITION  
IN CONDEMNATION

This matter coming on to be heard on the Motion of the Petitioner herein to amend the Petition in Condemnation in the above cause, and it appearing that it is necessary to more accurately define the estate being taken in the land described in said Petition,

It Is Ordered:

That the Petition in Condemnation be amended by adding to Exhibits "A" and "A-1", attached

to the Petition in Condemnation herein, the following:

“EASEMENT 1

Beginning at the South corner of this parcel of land, being also the South corner of Lot J and the East corner of Lot H, on the Northwesterly side of Puuloa Road of Land Court Application 1074 and thence running by azimuths measured clockwise from True South:

1.  $115^{\circ} 30'$ —174.23 feet along Lot H;
2.  $198^{\circ} 46'$ —36.63 feet along the remainder of Lot J;
3.  $164^{\circ} 17'$ —97.50 feet along the remainder of Lot J;
4.  $195^{\circ} 31' 30''$ —55.92 feet along the remainder of Lot J;
5.  $255^{\circ} 08' 30''$ —57.98 feet along the remainder of Lot J; [715]
6.  $282^{\circ} 20'$ —67.80 feet along the remainder of Lot J;
7.  $190^{\circ} 49'$ —43.34 feet along the remainder of Lot J;
8.  $298^{\circ} 57' 20''$ —168.63 feet along the remainder of Lot J;
9.  $28^{\circ} 57' 20''$ —250.00 feet along Puuloa Road to the point of beginning and containing an area of 1.245 Acres.”

and by striking from said Petition Exhibit “B” attached to said Petition, and substituting therefore and making a part of said Petition Exhibit

“C”, attached to the Motion this day filed herein, asking for an Order Amending Petition in Condemnation, and by striking from said Petition in Condemnation all of Paragraph III and substituting therefore a new Paragraph III as a part of said Petition as follows:

“That the estate sought to be condemned in said lands, together with all improvements and appurtenances thereto belonging, is title in fee simple, subject to the following:

(a) Existing public utility easements for power transmission lines in favor of the Hawaiian Electric Co., Ltd., together with the right of ingress and egress for the purposes of inspection, maintaining and repairing said power lines for so long as the easements are used for such purposes; and

(b) The reservation unto John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell as Trustees under the Will and of the Estate of Samuel M. Damon, deceased, of all existing fresh water mains and appurtenances thereunto belonging in their present location, together with the right of ingress and egress for the purposes of inspecting, maintaining and repairing said water mains and appurtenances thereunto belonging for so long as said mains and appurtenances are needed and used; and [716]

(c) An easement hereby reserved unto the fee owners, John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell, as Trustees under the Will and of the Estate of Samuel M. Damon, deceased, their successors in

trust, assigns, and permittees, for the erection, maintenance and operation of spheroidal gas storage tanks, over and upon that certain area of Parcel D-14, comprising 1.245 acres, described in Exhibit "A" and delineated upon Exhibit "B" as Easement No. 1, all for so long only as said area is used for such purposes, together with the right of ingress and egress thereto for the purpose of said easement, at such place and at such times as the Secretary of the Navy, or his duly authorized representative, shall specify. Said reservation is hereby made subject, however, to the restriction that no structure erected on said site shall exceed the height of 75 feet above the ground level."

Dated Honolulu, T. H., this 1st day of November, 1945.

(Seal)            /s/ D. E. METZGER,  
Judge of the United States District Court for the  
District of Hawaii.

[Endorsed]: Filed Nov. 1, 1945.

[717]

In the District Court of the United States  
For the District of Hawaii

October Term, 1945

Civil No. 548

UNITED STATES OF AMERICA,

Petitioner,

vs.

63.725 ACRES OF LAND, more or less, situate at  
Moanalua, Honolulu, Oahu, Territory of Ha-  
waii; John Waterhouse, Ernest Hay Wode-  
house, Walter Francis Frear and John Edward  
Russell, Trustees under the Will and of the  
Estate of Samuel M. Damon; et al.,

Defendants.

ORDER AND JUDGMENT ON  
DECLARATION OF TAKING

It appearing that on January 18, 1945, the  
United States of America filed a Petition for Con-  
demnation of certain lands described and shown in  
said Petition herein as amended; and

It further appearing that there was filed herein,  
on the 1st day of November, 1945, a Declaration of  
Taking signed by James Forrestal, Secretary of  
the Navy, under and pursuant to the provisions of  
the Act of Congress approved March 27, 1942 (Pub-  
lic Law 507, 77th Congress), the Act of Congress  
approved June 26, 1943 (Public Law 92, 78th Con-  
gress), the Act of Congress approved June 22, 1944  
(Public Law 347, 78th Congress) and the Act of



Congress approved February 26, 1931 (46 Stat. 1421), declaring taken the estates and interests as set forth in said Declaration of Taking and as shown on Exhibits "A" and "B" attached to said Declaration of Taking; that the public uses for said lands are those described in said Declaration of Taking; and that the said Declaration of Taking sets forth the estimate of just compensation made pursuant to law and that contemporaneously with the filing of said Declaration of Taking there was deposited in the registry [718] of this Court for the use and benefit of the persons entitled thereto the sum of Twenty Thousand Two Hundred Thirty and No /100 Dollars (\$20,230.00).

It Is Ordered, Adjudged and Decreed that by virtue of the filing of said Declaration of Taking and the deposit of said money, title to the estates and interests in said lands thus shown on Exhibits "A" and "B", attached to said Declaration of Taking, be and the same is hereby indefeasibly vested in the United States of America, subject to the conditions and reservations set forth in said Declaration of Taking and described and delineated on Exhibits "A" and "B" attached to said Declaration of Taking.

It Is Further Ordered that a copy of this Order be promptly served by the United States Marshal upon each of the defendants in this cause having an interest in this proceeding. The Marshal is further ordered to post a copy hereof in a conspicuous

place on the premises and to forthwith make due return of his said service to this Court.

Dated Honolulu, T. H., this 1st day of November, 1945.

(Seal)            /s/ D. E. METZGER,  
Judge of the United States District Court for the  
District of Hawaii.

[Endorsed]: Filed Nov. 1, 1945.

[719]

In the District Court of the United States  
for the District of Hawaii

October Term 1945

Civil No. 684

UNITED STATES OF AMERICA,

Petitioner,

vs.

29.891 ACRES OF LAND, more or less, in Moanalu  
and Halawa, Ewa, Oahu, Territory of  
Hawaii, Ernest Hay Wodehouse, Walter Francis  
Frear and John Edward Russell, Trustees under  
the Will and of the Estate of Samuel M. Damon,  
deceased, et al.,

Defendants.

### PETITION FOR CONDEMNATION

To the Honorable, the Presiding Judges of the  
United States District Court for the District of  
Hawaii:

Now comes the Petitioner, the United States of  
America, by Charles F. Rathbun, Special Assistant  
to the Attorney General, acting under the instruc-  
tions of the Attorney General of the United States  
and at the request of the Secretary of the Navy  
of the United States and respectfully represents  
to the Court:

#### I.

That this proceeding is instituted under the au-  
thority of divers and sundry Acts of Congress,  
among them the following:

The Act of Congress approved March 27, 1942 (Public Law 507—77th Congress) as amended by

The Act of Congress approved December 20, 1944 (Public Law 509—78th Congress)

The Act of Congress approved February 7, 1942 (Public Law 441—77th Congress) and

The Act of Congress approved February 26, 1931 (46 Stat. 1421) [720]

and that the Secretary of the Navy, acting under authority vested in him by law, has determined that it is necessary that the United States of America acquire by condemnation, by judicial process, certain lands more particularly described in Exhibit "A" hereto annexed and made a part hereof as though set forth at length and shown upon maps marked Exhibits "B" and "C" also attached hereto and made a part hereof.

## II.

That the lands sought to be condemned are located in Moanalua and Halawa, Ewa, Oahu, Territory of Hawaii, and lie wholly within the jurisdiction of this Court.

## III.

That the estate sought to be condemned in this action together with all improvements (except such as are attached to the easements and reservations hereinafter set forth) and appurtenances thereto belonging, is title in fee simple, subject, however, to:

1. "As to Parcel D-15, the existing right of

the Hawaiian Electric Company, Limited, its successors and assigns, to operate, maintain and repair electric power transmission poles and wire lines, together with the right of ingress and egress for such purposes, over the right of way, the center-line of which over Parcel D-15 is indicated on Exhibit "B" attached hereto, as follows: "Center-line of Haw'n Electric Co.'s relocated pole line, installed May 26, 1944"; said right having been acquired by the said Hawaiian Electric Company, Limited, from the Trustees of the Estate of Samuel M. Damon, Deceased, by instrument dated 27 April 1945 and filed in the Office of the Assistant Registrar, Land Court Territory of Hawaii (Bureau of Conveyances) on 18 May 1945 as Document No. 78619 and noted on Certificate of Title No. 20,266.

2. As to Parcel D-15, the right hereby reserved unto Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell, Trustees under the Will and of the Estate of Samuel M. Damon, deceased, their successors in trust, assigns and permittees to use said land for roadway purposes, jointly with the United States of America, subject to the authority of the Secretary of the Navy and his duly authorized representatives to promulgate and enforce such rules and regulations relating to the exercise of such right that may be required for Naval security purposes.

3. The right hereby reserved unto;

(1) George Miles Collins, John Kirkwood Clarke, Frank Midkiff, Edwin Pauhaulani Murray, and Joseph Boyd Poindexter, as Trustees un-



der the Will and of the Estate of Bernice P. Bishop, Deceased, their successors in trust, assigns, and permittees, as to Parcel A; and [721]

(2) Charles M. Hite, Trustee under the Will and of the Estate of Emma Kaleleonalani, his successors in trust, assigns and permittees, as to Parcels B and E; and

subject to existing leasehold rights of Honolulu Plantation Company, to cross and recross said above described parcels by way of foot, vehicles or portable plantation railroad tracks, for so long only as said parties or their assigns other than the United States of America are fee owners of lands abutting on said parcels.

4. An easement hereby reserved unto the fee owner, Charles M. Hite, Trustee under the Will and of the Estate of Emma Kaleleonalani, his successors in trust, assigns, and permittees, subject to the existing leasehold rights of Honolulu Plantation Company, for railroad tracks and facilities over Parcel B, over and along the right of way described and shown as easement 1 in Exhibits "A" and "C", attached hereto and made a part hereof, for so long only as said right of way is used for said purposes." and said lands are to be used for the establishment of a military road from Camp Catlin to Aiea Barracks, and for other naval purposes.

#### IV.

That Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell, Trustees under the Will and of the Estate of Samuel M. Damon, deceased; George Miles Collins, John Kirkwood

Clarke, Frank Midkiff, Edwin Pauhaulani Murray and Joseph Boyd Poindexter, Trustees under the Will and of the Estate of Bernice P. Bishop, deceased; Charles M. Hite, Trustee of Emma Kaleleonalani Estate; The Hawaiian Electric Company, Limited; Honolulu Plantation Company; City and County of Honolulu; Territory of Hawaii, and all other persons, companies or corporations, either known or unknown, who claim to have or own any right, title or interest of any character whatever in said lands are made defendants herein.

Wherefore, your petitioner prays this Honorable Court to take jurisdiction of this cause and enter all orders, judgments and decrees necessary to determine title of said real estate condemned, or any part thereof; that upon payment into the registry of this Court for the uses of the persons entitled thereto of the sum adjudged to be full compensation for the condemnation of said land, that title of said land be vested in the United States of America in fee simple, subject to the exceptions herein set forth, and that the Court make distribution of the final awards among the [722] persons entitled thereto as expeditiously as may be and for such other relief as to the Court may seem just and proper in the premises.

UNITED STATES OF  
AMERICA,

By /s/ CHARLES F. RATHBUN,  
Special Assistant to the  
Attorney General.

(Duly Verified.) [723]

## EXHIBIT A

## PARCEL A

Being a portion of R. P. 6717, L.C.Aw. 7712 and 8516 B to M. Kekuanaoa and Kanaikui at Halawa, Ewa, Oahu, T. H. Being a portion of Military Road from Aiea to Catlin (100 feet wide).

Beginning at the South corner of this strip of land, on the boundary of Lot 1-A of Land Court Application 966, the co-ordinates of said point of beginning referred to Government Survey Triangulation Station "Salt Lake" being 1370.44 feet North and 7404.36 feet West, and thence running by azimuths measured clockwise from True South:

1.  $160^{\circ} 27'$ —1515.96 feet along the remainder of R. P. 6717, L.C.Aw. 7712 and 8516 B to M. Kekuanaoa and Kanaikui;
2.  $185^{\circ} 03' 30''$ —46.56 feet along the remainder of R.P. 6717, L.C.Aw. 7712 and 8516 B to M. Kekuanaoa and Kanaikui, along United States Navy Reservation (Civil 535);
3.  $219^{\circ} 42'$ —93.79 feet along the remainder of R.P. 6717, L.C.Aw. 7712 and 8516 B to M. Kekuanaoa and Kanaikui, along United States Navy Reservation (Civil 535);
4.  $340^{\circ} 27'$ —1392.56 feet along the remainder of R.P. 6717, L.C. Aw. 7712 and 8516 B to M. Kekuanaoa and Kanaikui, to the boundary of Lot 1-A of Land Court Application 966;
5.  $357^{\circ} 25'$ —56.30 feet along Lot 1-A of Land Court Application 966, along United States Navy Parcel B;

6.  $345^{\circ} 10'$ —168.00 feet along Lot 1-A of Land Court Application 966, along United States Navy Parcel B;
7.  $76^{\circ} 40'$ —70.16 feet along Lot 1-A of Land Court Application 966, along United States Navy Parcel B to the point of beginning and containing an area of 3.523 Acres. [724]

### PARCEL B

Being a portion of Lot 1-A of Land Court Application 966 at Halawa, Ewa, Oahu, T. H. Being a portion of Military Road from Aiea to Catlin (100 feet wide).

Beginning at the South corner of this strip of land, being also the West corner of United States Navy Parcel D, the co-ordinates of said point of beginning referred to Government Survey Triangulation Station "Salt Lake" being 1826.79 feet South and 6428.27 feet West and thence running by azimuths measured clockwise from True South:

1.  $165^{\circ} 54' 50''$ —2012.68 feet along the remainder of Lot 1-A of Land Court Application 966:
2. Thence along the remainder of Lot 1-A of Land Court Application 966, on a curve to the left with a radius of 2814.93 feet, the direct azimuth and distance being  $160^{\circ} 29' 20''$  532.26 feet;
3.  $155^{\circ} 03' 50''$ —174.72 feet along the remainder of Lot 1-A of Land Court Application 966:
4. Thence along the remainder of Lot 1-A of Land Court Application 966 on a curve to the right

- with a radius of 5779.65 feet, the direct azimuth and distance being  $157^{\circ} 45' 25''$  543.12 feet;
5.  $160^{\circ} 27'$ —87.27 feet along the remainder of Lot 1-A of Land Court Application 966;
  6.  $256^{\circ} 40'$ —70.16 feet along R. P. 6717, L.C. Aw. 7712 and 8516 B to M. Kekuanaoa and Kanaikui, along United States Navy Parcel A;
  7.  $165^{\circ} 10'$ —168.00 feet along R. P. 6717, L.C. Aw. 7712 and 8516 B to M. Kekuanaoa and Kanaikui, along United States Navy Parcel A;
  8.  $177^{\circ} 25'$ —56.30 feet along R. P. 6717, L.C. Aw. 7712 and 8516 B to M. Kekuanaoa and Kanaikui, along United States Navy Parcel A;
  9.  $340^{\circ} 27'$ —300.95 feet along the remainder of Lot 1-A of Land Court Application 966;
  10. Thence along the remainder of Lot 1-A of Land Court Application 966, on a curve to the left with a radius of 5679.65 feet, the direct azimuth and distance being  $337^{\circ} 45' 25''$  533.72 feet;
  11.  $335^{\circ} 03' 50''$ —174.72 feet along the remainder of Lot 1-A of Land Court Application 966;
  12. Thence along the remainder of Lot 1-A of Land Court Application 966, on a curve to the right with a radius of 2914.93 feet, the direct azimuth and distance being  $339^{\circ} 36' 30''$  461.91 feet;
  13.  $354^{\circ} 50' 30''$ —28.24 feet along Exclusion 5 of Land Court Application 966, along United States Navy Parcel C;
  14.  $264^{\circ} 05' 30''$ —5.19 feet along Exclusion 5 of



Land Court Application 966, along United States Navy Parcel C;

15. Thence along the remainder of Lot 1-A of Land Court Application 966, on a curve to the right with a radius of 2914.93 feet, the direct azimuth and distance being  $345^{\circ} 18' 53.5''$  60.95 feet;
16.  $345^{\circ} 54' 50''$ —2001.84 feet along the remainder of Lot 1-A of Land Court Application 966;
17.  $69^{\circ} 43' 30''$ —100.59 feet along Exclusion 9 of Land Court Application 966, along United States Navy Parcel D to the point of beginning and containing an area of 7.778 Acres.

Subject, However, to Easement I

#### PARCEL E

Being a portion of Lot 1-A of Land Court Application 966 at Halawa, Ewa, Oahu, T. H. Being a portion of Military Road from Aiea to Catlin (100 feet wide).

Beginning at the South corner of this strip of land, being also the West corner of United States Navy Parcel D-15, and on the Westerly boundary of the Lands of Moanahua (Land Court Application 1074) and Halawa (Land Court Application 966), the co-ordinates of said point of beginning referred to Government Survey Triangulation Station "Salt Lake" being 2625.32 feet South and 6227.90 feet West and thence running by azimuths measured clockwise from True South:

1.  $165^{\circ} 54' 50''$ —742.71 feet along United States

- Navy Parcel E-1, along the remainder of Lot 1-A of Land Court Application 966; [726]
2.  $249^{\circ} 58'$ —100.54 feet along Exclusion 9 of Land Court Application 966, along United States Navy Parcel D;
  3.  $345^{\circ} 54' 50''$ —697.85 feet along the remainder of Lot 1-A of Land Court Application 966;
  4.  $46^{\circ} 59'$ —114.26 feet along the Westerly boundary of the Land of Moanalua (Land Court Application 1074), along United States Navy Parcel D-15 to the point of beginning and containing an area of 1.654 Acres. [727]

### EASEMENT 1

(Railroad Right-of-Way, 40 feet wide)

Over, along, upon and across a portion of United States Navy Parcel "B" (Military Road from Aiea to Catlin, 100 feet wide) at Halawa, Ewa, Oahu, T. H. Being a portion of Lot 1-A of Land Court Application 966.

Beginning at the South corner of this strip of land, the true azimuth and distance from the South corner of United States Navy Parcel "B" (Military Road from Aiea to Catlin, 100 feet wide) being  $165^{\circ} 54' 50''$  1084.65 feet, and the co-ordinates of said point of beginning referred to Government Survey Triangulation Station "Salt Lake" being 774.76 feet South and 6692.25 feet West and thence running by azimuths measured clockwise from True South:

1.  $165^{\circ} 54' 50''$ —45.15 feet along the remainder of Lot 1-A of Land Court Application 966;
2.  $228^{\circ} 17'$ —112.86 feet along the remainder of Lot 1-A of Land Court Application 966; along the remainder of United States Navy Parcel "B";
3.  $345^{\circ} 54' 50''$ —45.15 feet along the remainder of Lot 1-A of Land Court Application 966;
4.  $48^{\circ} 17'$ —112.86 feet along the remainder of Lot 1-A of Land Court Application 966, along the remainder of United States Navy Parcel "B", to the point of beginning and containing an area of 4514 square feet. [728]

#### PARCEL D-15

Being portions of Lots E, F and J of Land Court Application 1074 at Moanalua, Oahu, T. H. Being a portion of Alternate Highway from Honolulu to Schofield (100 feet wide).

Beginning at a point on the Westerly boundary of the lands of Moanalua (Land Court Application 1074) and Halawa (Land Court Application 966) and the co-ordinates of said point of beginning referred to Government Survey Triangulation Station "Salt Lake" being 2625.32 feet South and 6227.90 feet West and thence running by azimuths measured clockwise from True South:

1.  $226^{\circ} 59'$ —114.26 feet along Lot 1-A of Land Court Application 966;
2.  $345^{\circ} 54' 50''$ —1739.58 feet along the remain-

- ders of Lots J and F of Land Court Application 1074;
3. Thence along the remainder of Lot J of Land Court Application 1074, on a curve to the left with a radius of 1860.08 feet, the direct azimuth and distance being  $336^{\circ} 54' 50''$ —581.96 feet;
  4.  $327^{\circ} 54' 50''$ —550.90 feet along the remainders of Lots J and E of Land Court Application 1074;
  5. Thence along the remainder of Lot J of Land Court Application 1074, on a curve to the left with a radius of 1096.28 feet, the direct azimuth and distance being  $313^{\circ} 00' 50''$  563.78 feet;
  6.  $298^{\circ} 06' 50''$ —2915.15 feet along the remainder of Lot J of Land Court Application 1074;
  7. Thence along the remainder of Lot J of Land Court Application 1074, on a curve to the left with a radius of 1859.89 feet, the direct azimuth and distance being  $282^{\circ} 41' 07''$  989.60 feet;
  8.  $27^{\circ} 05'$ —35.85 feet along Lot H of Land Court Application 1074, along Parcel D-6;
  9.  $21^{\circ} 10'$ —74.71 feet along Lot H of Land Court Application 1074, along Parcel D-6;
  10. Thence along the remainder of Lot J of Land Court Application 1074, along Parcel D-13, on a curve to the right with a radius of 1959.89 feet, the direct azimuth and distance being  $103^{\circ} 23' 30''$  996.34 feet;
  11.  $118^{\circ} 06' 50''$ —2915.15 feet along the remainder

of Lot J of Land Court Application 1074, along Parcel D-13 and Parcel D-1; [729]

12. Thence along the remainders of Lots J and E of Land Court Application 1074, along Parcel D-1, on a curve to the right with a radius of 1196.28 feet, the direct azimuth and distance being  $133^{\circ} 00' 50''$  615.20 feet;
13.  $147^{\circ} 54' 50''$ —550.90 feet along the remainders of Lots J and E of Land Court Application 1074, along Parcel D-1;
14. Thence along the remainder of Lot J of Land Court Application 1074, along Parcel D-1, on a curve to the right with a radius of 1960.08 feet, the direct azimuth and distance being  $156^{\circ} 54' 50''$  613.25 feet;
15.  $165^{\circ} 54' 50''$ —1684.31 feet along the remainders of Lots J and F of Land Court Application 1074, along Parcel D-1, to the point of beginning and containing an area of 16.936 Acres.

[Endorsed]: Filed Dec. 6, 1945. [730]

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[Title of District Court and Cause No. 684.]

### DECLARATION OF TAKING

Whereas, pursuant to the Acts of Congress approved March 27, 1942 (Public Law 507, 77th Congress), as amended by the Act of Congress approved December 20, 1944 (Public Law 509, 78th Congress), and February 7, 1942 (Public Law 441, 77th Congress), the above styled condemnation proceeding has been instituted.



Now, therefore, pursuant to the provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421), I, Secretary of the Navy, do hereby make and cause to be filed this declaration of taking, and by virtue of authority thereof [733] do hereby state that the lands selected for acquisition aggregate 29.891 acres, more or less, at Moanalua and Halawa, Ewa, Oahu, Territory of Hawaii, more particularly described in Exhibit "A" attached hereto and made a part hereof, and delineated as Parcel D-15 on a map entitled "Composite Boundary Map", designated as 14th N.D. Dwg. No. OA-N1-942, and Parcels A, B, and E on a map entitled "Military Road Aiea to Catlin Portion through Halawa, Ewa, Oahu, T. H.", designated as 14th N.D. Dwg. No. OA-N1-1223, attached hereto as Exhibits "B" and "C" and made a part hereof.

And I do declare said lands to be taken under the authority of the aforesaid Acts of Congress; that the use to which said lands are to be put is for a military road, and for other Naval purposes, as authorized by said Acts.

And I do further declare that the estate hereby taken in said lands, together with all improvements (except such as are attached to the easements and reservations hereinafter set forth) and appurtenances thereto belonging, for the public use aforesaid, is title in fee simple, subject, however, to:

1. As to Parcel D-15, the existing right of the Hawaiian Electric Company, Limited, its successors and assigns, to operate, maintain and repair electric power transmission poles and wire lines, to-

gether with the right of ingress and egress for such purposes, over the right of way, the centerline of which over Parcel D-15 is indicated on Exhibit "B" attached hereto, as follows: "Centerline of Haw'n Electric Co.'s relocated pole line, installed May 26, 1944"; said right having been acquired by the said Hawaiian Electric Company, Limited, from the Trustees of the Estate of Samuel M. Damon, Deceased, by instrument dated 27 April 1945 and filed in the Office of the Assistant Registrar, Land [734] Court Territory of Hawaii (Bureau of Conveyances) on 18 May 1945 as Document No. 78619 and noted on Certificate of Title No. 20,266.

2. As to Parcel D-15, the right hereby reserved unto Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell, Trustees under the Will and of the Estate of Samuel M. Damon, deceased, their successors in trust, assigns and permittees to use said land for roadway purposes, jointly with the United States of America, subject to the authority of the Secretary of the Navy and his duly authorized representatives to promulgate and enforce such rules and regulations relating to the exercise of such right that may be required for Naval security purposes.

3. The right hereby reserved unto:

(1) George Miles Collins, John Kirkwood Clarke, Frank Midkiff, Edwin Pauhaulani Murray, and Joseph Boyd Poindexter, as Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, their successors in trust, assigns, and permittees, as to Parcel A; and

(2) Charles M. Hite, Trustee under the Will and of the Estate of Emma Kaleleonalani, his successors in trust, assigns, and permittees, as to Parcels B and E; and subject to existing leasehold rights of Honolulu Plantation Company, to cross and recross said above described parcels by way of foot, vehicles or portable plantation railroad tracks, for so long only as said parties or their assigns other than the United States of America are fee owners of lands abutting on said parcels.

4. An easement hereby reserved unto the fee owner, Charles M. Hite, Trustee under the Will and of the Estate of Emma Kaleleonalani, his successors in trust, assigns, and permittees, subject to the existing leasehold rights of Honolulu Plantation Company, for railroad tracks and facilities over Parcel B, over and along the right of way described and shown as Easement 1 in Exhibits "A" and "C", attached hereto and made a part hereof, for so long only as said right of way is used for said purposes.

And I, Secretary of the Navy, do hereby state that the sum of money estimated by me to be just compensation for said lands, and improvements thereon and appurtenances thereunto belonging, is Six thousand one hundred fifty-four Dollars and ninety-eight cents (\$6,154.98), which sum is hereby deposited into the registry of the court for the use and benefit of the [735] persons entitled thereto, and that the amounts of just compensation for said lands and improvements thereon, which are hereby taken, are shown on Schedule "A" attached hereto and made a part hereof.

I am of the opinion that the ultimate award for the taking of said lands will be within the limits prescribed by Congress.

In witness whereof, the petitioner, by and through the Secretary of the Navy, has caused this declaration of taking to be signed on the 5th day of September, 1945, in the City of Washington, District of Columbia.

UNITED STATES OF  
AMERICA,

By /s/ JAMES FORRESTAL. [736]

SCHEDULE "A"

The names of the persons having title to or other interest in the lands described in the within declaration of taking, and the amounts estimated to be fair compensation for each respective ownership, including all improvements thereon, are as follows:

Name of Owner	Parcel	Acres	Estimated Just Compensation
B. P. Bishop Est.	A	3.523	\$1,333.30
Queen Emma Estate	B & E	9.432	1,873.80
S. M. Damon Estate	D-15	16.936	2,947.88
		<hr/>	<hr/>
	Total	29.891	\$6,154.98

[Printer's Note]: Exhibit "A" is the same as Exhibit "A" set out at pages 402-409.

[Endorsed]: Filed Dec. 6, 1945. [737]

In the District Court of the United States  
for the District of Hawaii

October Term 1945

Civil No. 684

UNITED STATES OF AMERICA,

Petitioner,

vs.

29.891 ACRES OF LAND, more or less, in Moana-  
lua and Halawa, Ewa, Oahu, Territory of Ha-  
waii, Ernest Hay Wodehouse, Walter Francis  
Frear and John Edward Russell, Trustees under  
the Will and of the Estate of Samuel M. Damon,  
deceased, et al.,

Defendants.

## ORDER AND JUDGMENT ON DECLARATION OF TAKING

It appearing that on the 6th day of December, 1945, the United States of America filed a Petition for Condemnation of certain lands described and shown upon Exhibits "A", "B" and "C" attached to th Petition filed herein, and on Exhibits "A", "B" and "C" attached to the Declaration of Taking filed herein, and it further appearing that said Declaration of Taking was this day filed herein; said Declaration of Taking being signed by James Forrestal, Secretary of the Navy, under and pursuant to the provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421), declaring taken the title in fee simple to said lands, subject to:



1. "As to Parcel D-15, the existing right of the Hawaiian Electric Company, Limited, its successors and assigns, to operate, maintain and repair electric power transmission poles and wire lines, together with the right of ingress and egress for such purposes, over the right of way, the centerline of which over Parcel D-15 is indicated on Exhibit "B" attached hereto, as follows: "Centerline of Haw'n Electric Co.'s relocated pole line, installed May 26, 1944"; said right having been acquired by the said Hawaiian Electric Company, Limited, from the Trustees of the Estate of [747] Samuel M. Damon, deceased, by instrument dated 27 April 1945 and filed in the Office of the Assistant Registrar, Land Court Territory of Hawaii (Bureau of Conveyances) on May 18 1945 as Document No. 78619 and noted on Certificate of Title No. 20,266.

2. As to Parcel D-15, the right hereby reserved unto Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell, Trustees under the Will and of the Estate of Samuel M. Damon, deceased, their successors in trust, assigns and permittees to use said land for roadway purposes, jointly with the United States of America, subject to the authority of the Secretary of the Navy and his duly authorized representatives to promulgate and enforce such rules and regulations relating to the exercise of such right that may be required for Naval security purposes.

3. The right hereby reserved unto:

(1) George Miles Collins, John Kirkwood Clarke, Frank Midkiff, Edwin Pauhaulani Mur-

ray, and Joseph Boyd Poindexter, as Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, their successors in trust, assigns, and permittees, as to Parcel A; and

(2) Charles M. Hite, Trustee under the Will and of the Estate of Emma Kaleleonalani, his successors in trust, assigns, and permittees, as to Parcels B and E; and subject to existing leasehold rights of Honolulu Plantation Company, to cross and recross said above described parcels by way of foot, vehicles or portable plantation railroad tracks, for so long only as said parties or their assigns other than the United States of America are fee owners of lands abutting on said parcels.

4. An easement hereby reserved unto the fee owner, Charles M. Hite, Trustee under the Will and of the Estate of Emma Kaleleonalani, his successors in trust, assigns, and permittees, subject to the existing leasehold rights of Honolulu Plantation Company, for railroad tracks and facilities over Parcel B, over and along the right of way described and shown as Easement 1 in Exhibits "A" and "C", attached hereto and made a part hereof, for so long only as said right of way is used for said purposes,"

that the uses of said land are those described in the said Declaration of Taking and in the Petition herein; and that the said Declaration of Taking sets forth the estimate of just compensation made pursuant to law and that contemporaneously with the filing of said Declaration of Taking, there was deposited in the registry of this Court for the use

of the persons entitled thereto the sum of Six Thousand One Hundred Fifty-four and 98/100 Dollars (\$6,154.98), [748]

It is ordered, adjudged and decreed that by virtue of the filing of said Declaration of Taking and the deposit of said money, title in fee simple to the lands described and shown on Exhibits "A", "B" and "C", attached to the said Declaration of Taking, is indefeasibly vested in the United States of America; subject to:

1. "As to Parcel D-15, the existing right of the Hawaiian Electric Company, Limited, its successors and assigns, to operate, maintain and repair electric power transmission poles and wire lines, together with the right of ingress and egress for such purposes, over the right of way, the centerline of which over Parcel D-15 is indicated on Exhibit "B" attached hereto, as follows: "Centerline of Haw'n Electric Co.'s relocated pole line, installed May 26, 1944"; said right having been acquired by the said Hawaiian Electric Company, Limited, from the Trustees of the Estate of Samuel M. Damon, Deceased, by instrument dated 27 April 1945 and filed in the Office of the Assistant Registrar, Land Court Territory of Hawaii (Bureau of Conveyances) on 18 May 1945 as Document No. 78619 and noted on Certificate of Title No. 20,266.

2. As to Parcel D-15, the right hereby reserved unto Ernest Hay Wodehouse, Walter Francis Frear and John Edward Russell, Trustees under the Will and of the Estate of Samuel M. Damon, deceased, their successors in trust, assigns and permittees to

use said land for roadway purposes, jointly with the United States of America, subject to the authority of the Secretary of the Navy and his duly authorized representatives to promulgate and enforce such rules and regulations relating to the exercise of such right that may be required for Naval security purposes.

3. The right hereby reserved unto:

(1) George Miles Collins, John Kirkwood Clarke, Frank Midkiff, Edwin Pauhaulani Murray, and Joseph Boyd Poindexter, as Trustees under the Will and of the Estate of Bernice P. Bishop, Deceased, their successors in trust, assigns, and permittees, as to Parcel A; and

(2) Charles M. Hite, Trustee under the Will and of the Estate of Emma Kaleleonalani, his successors in trust, assigns, and permittees, as to Parcels B and E; and subject to existing leasehold rights of Honolulu Plantation Company, to cross and recross said above described parcels by way of foot, vehicles or portable plantation railroad tracks, for so long only as said parties or their assigns other than the United States of America are fee owners of lands abutting on said parcels.

4. An easement hereby reserved unto the fee owner, Charles M. Hite, Trustee under the Will and of the Estate of Emma Kaleleonalani, his successors in trust, assigns and permittees, subject to the existing leasehold rights of Honolulu Plantation Company, for railroad tracks and facilities over Parcel B, over and along [749] the right of way described and shown as Easement 1 in Exhibits



“A” and “C”, attached hereto and made a part hereof, for so long only as said right of way is used for said purposes.”

It is further ordered that a copy of this Order be promptly served by the United States Marshal upon each of the defendants named. The Marshal is further ordered to post a copy hereof in a conspicuous place on the premises and to forthwith make due return of his said service to this Court.

Dated: Honolulu, T. H., this 6th day of December, 1945.

(Seal)            /s/ D. E. METZGER,

Judge of the United States District Court for the District of Hawaii.

[Endorsed]: Filed Dec. 6, 1945. [750]

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[Title of District Court and Cause No. 684.]

MOTION FOR ORDER AMENDING PETITION AND ORDER AND JUDGMENT ON DECLARATION OF TAKING

Now comes the United States of America, Petitioner herein, by Charles F. Rathbun, Special Assistant to the Attorney General, and moves the Court to amend the Petition herein by adding in Paragraph III thereof, on the second page thereof, a new paragraph 2-a to be inserted after the words “Naval Security Purposes” the following:

As to Parcel B, the existing right of The Hawaiian Electric Company, Limited, its suc-



cessors and assigns, to operate, maintain and repair electric power transmission poles and wire lines, together with the right of ingress and egress for such purposes over the right of way; said right having been acquired by The Hawaiian Electric Company, Limited from Charles M. Hite, Trustee under the Will and of the Estate of Emma Kaleleonalani, deceased, by instrument dated July 8, 1943 and filed with the Office of the Assistant Registrar, Land Court, Territory of Hawaii, Bureau of Conveyances, on August 16, 1943, as Document No. 69105 and 69106 and noted on Certificate of Title No. 20,226.

And to amend the Order & Judgment on Declaration of Taking entered herein on December 6, 1945, by excluding therefrom the said easement as described [751] in said Amendment to the Petition herein as paragraph 2-a, pursuant to a stipulation entered into in this cause between the Hawaiian Electric Company, Limited and the United States of America, which stipulation is this day filed in the above cause.

Dated: Honolulu, T. H., this 22nd day of April, 1946.

UNITED STATES OF  
AMERICA,

By /s/ CHARLES F. RATHBUN,  
Special Assistant to the  
Attorney General.

[Endorsed]: Filed April 22, 1946. [752]

[Title of District Court and Cause No. 684.]

ORDER AMENDING PETITION AND ORDER  
AND JUDGMENT ON DECLARATION  
OF TAKING

This matter coming on to be heard, upon the Motion of the Petitioner herein, to amend the Petition in the above cause and to exclude from the Order & Judgment on Declaration of Taking a certain easement reserved unto the Hawaiian Electric Company, Limited, pursuant to a Stipulation this day filed herein which Stipulation is executed by the Hawaiian Electric Company, Limited and the United States of America,

It is hereby ordered, adjudged and decreed that the Petition herein be amended by adding in Paragraph III thereof, on the second page thereof, a new paragraph 2-a to be inserted after the words "Naval Security Purposes" the following:

As to Parcel B, the existing right of The Hawaiian Electric Company, Limited, its successors and assigns, to operate, maintain and repair electric power transmission poles and wire lines, together with the right of ingress and egress for such purposes over the right of way; said right having been acquired by The Hawaiian Electric Company, Limited from Charles M. Hite, Trustee under the Will and of the Estate of Emma Kaleleonalani, deceased, by instrument dated July 8, 1943 and filed with the Office of the Assistant Registrar, Land Court, Territory of Hawaii, Bureau of Con-

veyances, on August 16, 1943, as Document No. 69105 and 69106 and noted on Certificate of Title No. 20,226. [753]

And that there be excepted from the provisions of the said Declaration of Taking and the Order of Judgment on Declaration of Taking entered herein the following:

As to Parcel B, the existing right of The Hawaiian Electric Company, Limited, its successors and assigns, to operate, maintain and repair electric power transmission poles and wire lines, together with the right of ingress and egress for such purposes over the right of way; said right having been acquired by The Hawaiian Electric Company, Limited from Charles M. Hite, Trustee under the Will and of the Estate of Emma Kaleleonalani, deceased, by instrument dated July 8, 1943 and filed with the Office of the Assistant Registrar, Land Court, Territory of Hawaii, Bureau of Conveyances, on August 16, 1943, as Document No. 69105 and 69106 and noted on Certificate of Title No. 20,226.

Dated: Honolulu, T. H., this 22nd day of April, 1946.

(Seal)           /s/ J. FRANK McLAUGHLIN,  
Judge of the United States District Court for the  
District of Hawaii.

[Endorsed]: Filed April 22, 1946. [754]

[Title of District Court and Cause No. 684.]

ANSWER OF HONOLULU PLANTATION  
COMPANY

One of the Defendants Above Named

Comes now Honolulu Plantation Company, a corporation, organized under the laws of the State of California, and doing business in the Territory of Hawaii, one of the defendants in the above entitled cause, and for answer to the petition filed herein says:

I.

That it has neither knowledge or information sufficient to form a belief as to the allegations set forth and contained in Paragraphs I, III, IV, V, VI and VII of said petition, and therefore it neither admits nor denies the same but leaves the petitioner to its proof thereof.

II.

That it admits the allegations contained in Paragraph II of said petition.

III.

That with respect to the allegations of said petition that it claims an interest in the property described in said petition this defendant admits the same and alleges that at the time of the filing of said petition and until judgment or order was entered on [756] declaration of taking filed in said causes it was the owner of an interest in the lands and in some of the improvements thereon and also admits that its lessor has an interest in the lands described in said petition which are under lease

to this defendant; that the lease creating such interest and estate will be submitted to the Court on the trial of said causes.

And this defendant further alleges as follows:

That for and during a period of over forty years this defendant has been continuously operating and conducting and is now operating and conducting a sugar mill and plantation at Aiea in the District of Ewa, Island of Oahu, T. H., and has been at all times during said period and now is engaged in the business of growing sugar cane and manufacturing sugar therefrom;

That most of the acreage of land taken, by reason of the fertility of the soil thereon, their low elevation, and the comparatively small expense with which they can be irrigated, is peculiarly adapted to the cultivation and growth of sugar cane, and that this defendant was at the time of the filing of the petition in this cause and until the date fixed for the surrendering of possession by the judgment or order on the Declaration of Taking entered in this cause and for many years prior thereto had been profitably using said lands for the cultivation and growth of sugar cane;

That the lands included within the area sought to be condemned which are held by this defendant under lease as aforesaid have a special and enhanced value by reason of the establishment by this defendant of a sugar mill and works, in close proximity to said lands, for the manufacture of sugar from cane grown and cultivated thereon and



on other lands owned and/or leased by this defendant and by reason of the development by this defendant of a water supply for the irrigation of said lands, and other lands as aforesaid by means of artesian wells, pumping machinery and otherwise; [757]

That for the purpose of cultivating the sand lands, this defendant has constructed improvements thereon;

That the parcel of land sought to be condemned by said petition in which this defendant has leasehold interest was at the time of the filing of the said petition in this cause and until judgment or order was entered on Declaration of Taking filed in this cause, and for many years prior thereto had been, occupied and cultivated by this defendant as integral parts of the sugar plantation operated and conducted by it at Aiea aforesaid and in connection with other large and contiguous tracts situated outside of the lands described in said petition but comprised within the said plantation and demised to this defendant by a number of leases and that by the taking of said lands described in the said petitions the integrity of said sugar plantation will be destroyed and the unitary value of the leasehold interests and estates of this defendant in such other and contiguous tracts of land will be greatly impaired and diminished.

Wherefore this defendant prays (1) that the damages suffered by this defendant by reason of the taking of the lands and properties described in

said petitions may be determined and the amount thereof be awarded to and paid to this defendant, and (2) for such other and general relief as may be meet and proper in the premises.

Dated: Honolulu, T. H., June 18, 1946.

HONOLULU PLANTATION  
COMPANY,

By /s/ VITOUSEK, PRATT & WINN,  
Its Attorneys,  
Defendant above named.

[Endorsed]: Filed June 18, 1946. [758]

In the District Court of the United States  
for the District of Hawaii

- No. 514—United States of America, Petitioner, vs. 257.654 Acres of land, more or less, at Moanalua and Halawa, Oahu, Territory of Hawaii, et al., Defendants.
- No. 525—United States of America, Petitioner, vs. 216.124 Acres of land, more or less, in Moanalua, Honolulu, Oahu, Territory of Hawaii, et al., Defendants.
- No. 529—United States of America, Petitioner, vs. 344.893 Acres of land, more or less, at Manana and Waiawa, Ewa, Oahu, Territory of Hawaii, et al., Defendants.
- No. 533—United States of America, Petitioner, vs. 218.349 Acres of land, more or less, at Waiawa Gulch, Waiawa, Oahu, Territory of Hawaii, et al., Defendants.
- No. 535—United States of America, Petitioner, vs. 145.848 Acres of land, more or less, situate at Halawa and Aiea, Ewa, Island of Oahu, Territory of Hawaii, et al., Defendants.
- No. 544—United States of America, Petitioner, vs. 317.705 Acres of land, more or less, situate at Moanalua, Honolulu, Oahu, Territory of Hawaii, et al., Defendants.
- No. 548—United States of America, Petitioner, vs. 63.725 Acres of land, more or less, situate at Moanalua, Honolulu, Oahu, Territory of Hawaii, et al., Defendants.

MOTION FOR CONSOLIDATION

Comes now Honolulu Plantation Company, a corporation, one of the defendants in each and all of the above entitled proceedings which are pending in the said United States District Court for the District of Hawaii, by Stanley, Vitousek, Pratt & Winn, its attorneys, and moves that Honorable Court that the seven above entitled proceedings be consolidated into one proceeding insofar as this movant is concerned and insofar as it has any claim for damages or may claim damages by reason of the taking under the above entitled proceedings; and that this movant be permitted to file one answer

in the consolidated proceedings and that the trial in said consolidated proceedings be had in the same manner as if all of said takings had been in one proceeding and as if all of the allegations contained in the various petitions filed in said proceedings had been embodied in one petition.

This motion is based upon all of the pleadings in the above entitled proceedings and upon the affidavit of S. L. Austin hereto attached.

Dated: Honolulu, T. H., this 17th day of February, 1945.

HONOLULU PLANTATION  
COMPANY,

By STANLEY, VITOUSEK,  
PRATT & WINN,

Its Attorneys,

By /s/ C. DUDLEY PRATT.

[Endorsed]: Filed Feb. 17, 1945. [760]

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[Title of District Court and Causes.]

AFFIDAVIT FOR CONSOLIDATION OF  
ACTIONS

District of Hawaii,  
City and County of Honolulu—ss:

S. L. Austin, being duly sworn, says that he is the Attorney-in-Fact of Honolulu Plantation Company, a corporation, one of the defendants in each and all of the above entitled actions which are pending in the United States District Court for the District of Hawaii as aforesaid; that each of said

actions is a proceeding in eminent domain by the United States of America to obtain for governmental use lands held under lease by the said Honolulu Plantation Company; that the Honolulu Plantation Company owns and operates a sugar plantation on the Island of Oahu in the vicinity of Pearl Harbor; that the lands held and operated by it are contiguous; that said lands being acquired by the United States in said proceedings all form an integral part of the properties being held and operated by the said Honolulu Plantation Company in the conduct by it of a sugar plantation;

That the said Honolulu Plantation Company intends no defense to the institution as such of the above entitled proceedings; that the sole matters for consideration and at issue are the determination of the parties entitled to compensation and their respective interests in the property involved, the amounts to be paid therefor, and the just compensation that is due the said parties because of such taking;

That the trial of the seven (7) suits, set forth in the title heading hereof, will subject said Honolulu Plantation Company to unnecessary costs, expenses and delays;

That the consolidation of the said proceedings will render [762] unnecessary the duplication of proof with respect to the enterprise of said Honolulu Plantation Company and the properties used by it in conducting the same, the effect of removing the property being condemned therefrom and numerous other points with respect to title, occu-



pany, use and numerous factors affecting value and damages suffered and further that the damages suffered by this defendant by reason of the taking of property by means of said proceedings is directly affected by the aggregate of the amount of property taken by condemnation; that said property condemned is merged in all of this defendant's farming property as one "unity in use", operated together and that the severance or taking away of the condemned property will result in substantial damages to the remainder, difficult if not impossible of full and adequate proof in seven separate proceedings; that the damages to be claimed by this defendant by reason of said taking would require the same amount of proof in each of the seven cases if tried separately and would require little, if any, more evidence in a consolidated case than would be required in each of said cases if tried separately; that the amount of land to be taken in the aggregate by reason of said seven cases is very substantial and the proof of the damages that will be suffered by this defendant can more clearly and readily be shown than could be shown in each of the cases separately, and this is particularly true of the cases where the area involved is relatively small in comparison to the total area held and operated by this defendant; that the said Company will be unable to properly present the question of damages if such proceedings are not consolidated and would thereby be deprived of substantial right; that requiring this defendant to try each of said takings separately would subject this

defendant to such excessive expenses and loss of damages suffered as to constitute a deprivation of property without due process of [763] law and a taking for public use without just compensation in violation of the Fifth Amendment of the Constitution of the United States.

Further affiant sayeth not.

/s/ S. L. AUSTIN.

Subscribed and sworn to before me this 17th day of February, 1945.

(Seal) /s/ ALBERT C. AHANA,  
Notary Public, First Judicial Circuit, Territory of  
Hawaii.

My commission expires June 30, 1945.

[Endorsed]: Filed Feb. 17, 1945. [764]

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[Title of District Court and Causes.]

### STIPULATION FOR CONSOLIDATION

It is hereby stipulated by and between the United States of America, petitioner in the above entitled cases, and Honolulu Plantation Company, a corporation, one of the defendants in each and all of the above entitled cases, by their respective attorneys:

That said above entitled proceedings may be consolidated into one proceeding insofar as Honolulu Plantation Company is concerned and insofar as it has any claim for damages or any claimed damages by reason of such taking under said above entitled proceedings; and

It is hereby further stipulated that Honolulu Plantation Company may be permitted to file one answer in the consolidated proceedings and that the trial in said consolidated proceedings may be had in the same manner as if all of said takings had been in one proceeding and as if all of the allegations contained in the various petitions filed in said proceedings had been embodied in one petition.

Dated: Honolulu, T. H., this 17th day of February, 1945.

UNITED STATES OF  
AMERICA,

By /s/ CHARLES F. RATHBUN,  
Special Assistant to the  
Attorney General.

HONOLULU PLANTATION  
COMPANY,

By STANLEY, VITOUSEK,  
PRATT & WINN,  
Its Attorneys,

By /s/ C. DUDLEY PRATT.

[Endorsed]: Filed Feb. 17, 1945. [766]